



CITY OF LA PINE, OREGON PLANNING COMMISSION

Thursday, May 28, 2020 at 5:30 PM

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

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

AGENDA

CALL TO ORDER

ESTABLISH QUORUM

ADDED AGENDA ITEMS

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

APPROVAL OF PRIOR MEETING MINUTES

1. March 18th, 2020

PUBLIC HEARINGS

All public hearings will follow the following procedure:

- | | | |
|------------------------|--------------------------|------------------|
| A. Open Public Hearing | D. Open Public Testimony | G. Close Hearing |
| B. Staff Report | E. Applicant Rebuttal | |
| C. Applicant Testimony | F. Deliberations | |

2. Planning Files: 03ZC-19 & 03CA-19 concerning change in zoning from Public Facility to Commercial Mixed-Use.

3. Planning Files: 01SUB-20 concerning subdivision of 2.25 acre lot into 10 lots in Residential Single-Family.

OTHER MATTERS

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

PUBLIC COMMENTS

STAFF AND COMMITTEE COMMENTS

ADJOURN

Pursuant to ORS 192.640: This notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the Planning Commission to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend.



CITY of LA PINE PLANNING COMMISSION MINUTES

Wednesday, March 18th, 2020

5:30 p.m.

La Pine City Hall

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

Called to Order at 5:31pm

2. Establish Quorum

Present: Russell Smith, John Cameron, Mary Hatfield, Cathi Van Damme and Teri Myers.

Staff Present: Melissa Bethel, City Manager and Kelly Notary, Admin Assistant.

3. Pledge of Allegiance

Led by John Cameron

4. Added Agenda Items

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

5. Approval of Prior Meeting Minutes

a. February 19th, 2020

Motion to approve the meeting minutes from February 19th, 2020 by Hatfield and seconded by Cameron. No objections; unanimously approved with correction.

6. Planning Files 01QP-19 & 02SUB-19: Deliberation and Decision

Hearing Previously held on February 19th, 2020 where the record was closed.

Commission was asked if anyone had anything to declare, including ex parte contacts or conflicts.

Teri Myers recused herself due to a long-standing relationship with the applicant.

Tammy Wisco presented a Power Point Presentation, which will be added to the packet for the record going

over the mitigation points from ODOT, the final argument from the applicant and the staff report.

Committee deliberated most specifically on the connector to the south and if they wanted to agree with Staff or make a change.

Russ Smith objects strongly to ODOT's request for mitigation and wanted that stated on the record. He does not feel that they are an entity with "taxing" abilities and should not be able to interfere in City business this way.

No issues with permit for right of way by the committee

No issue with drainage by the committee

Vote on Conditions:

Van Damme moved to add the following conditions of approval to the list of conditions for 01QP-19/02SUB-

19, which was seconded by Cameron, Hatfield approved and Smith abstained to the conditions as noted below:

- Applicant shall submit to ODOT a pro-rata contribution of \$12,435 for impacts to the US 97/Burgess intersection. If permitted by ODOT, the contributions shall be submitted on a per unit basis payable at time of platting.

- ODOT Misc./Construction Permit required for work in right of way.

- Drainage study shall be prepared if there is any impact to ODOT highway drainage.

Final Motion on Files 01QP-19 and 02SUB-19:

Cameron moved to adopt the staff report findings and associated conditions of approval, as amended, and to

approve 01QP-19 and 02SUB-19, the Reserve in the Pines quadrant plan and subdivision applications; seconded by Hatfield. No objections; unanimously approved with correction.

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

8. Public Comments:

Vic Russell - stated that he was disappointed w/ the outcome of the meeting, in terms of the requirement for a connector to the south, and the engineers lack of explanation for the extension on both sides of the property.

9. Staff and Committee Comments

Melissa Bethel gave a state of the City report regarding the City declaring a State of Emergency and what that means to current projects.

10. Adjourn

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

NOTICE OF PUBLIC HEARINGS

The City of La Pine will hold public hearings before the Planning Commission **at 5:30 PM on Thursday, May 28, 2020 in the City of La Pine Council Chambers, 16345 6th Street, La Pine, OR.**

FILE NUMBERS:	03CA-19 and 03ZC-19
HEARING DATE:	May 28, 2020, 5:30 PM - Planning Commission, City Hall, with remote connections 16345 6 th Street, La Pine
APPLICANT/ OWNER:	K Huntington LLC/Kodiak Malmstrom 409 NE Greenwood Ave, Suite 200 Bend, OR 97701
PROPERTY LOCATION:	The property is located west of Huntington Road, north of Memorial Lane. The property is identified as Tax lot 100 on the Deschutes County Tax Assessor's Map 22-10-11CB.
REQUEST:	Comprehensive Plan Map Amendment and Zone Change of 4.7 acres from Public Facilities (PF) to Mixed Use Commercial (CMX).

Due to COVID-19 and required social distancing measures, the City will make accommodations for remote participation. Please contact the City at least 24 hours before the public hearing for instructions on remote participation.

All interested persons may appear, be heard, be represented by counsel, or send written signed testimony. All written comments must be received by the City prior to the hearing date or submitted at the hearing. Failure to raise an issue in person at the hearing or in writing precludes appeal by that person to the Land Use Board of Appeals (LUBA). Failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at City Hall during normal business hours, at no cost. Copies will be provided upon request at a reasonable cost. Interested persons may obtain a Staff Report within seven days of the date of the hearing. Please contact City of La Pine Planning Consultant, Tammy Wisco, at 210-896-3432 if you have any questions.

Applicable Criteria and Procedures:

City of La Pine Comprehensive Plan

- V. Amendments to the Plan
- Chapters 1-12

La Pine Development Code

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

- Chapter 15.334 - Text and Map Amendments
-

Oregon Revised Statutes

- ORS 197.610, Local Government Notice of Amendment or New Regulation
- ORS 197.250, Compliance with Goals Required
- ORS 197.763, Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements
-

Oregon Administrative Rules (OAR)

- 660-012 Transportation Planning Rule
- 660-015 Oregon Statewide Planning Rule



- C: Property owners within 500'
Planning Commission
City Council
Agency List



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

Zone Change/Plan Amendment Application

Zoning Map Amendment Fee \$6,000.00

File Number # 03ZC-19

Applicant Name K Huntington LLC Phone 541-390-4705 Fax
Address 409 NE Greenwood Ave Ste 200 City BEND State OR Zip Code 97701
Email KORDAK@KORDAKCRE.COM
Property Owner SAME AS ABOVE Phone Fax
Address City State Zip Code
Email (optional)

ZONE CHANGE DESCRIPTION

Property Location (address, intersection of cross street, general area)
NW corner of intersection: Huntington + Memorial in La Pine, OR

Map + Tax Lot No: 221011 CBO0100

Assessors Parcel Number T-15, R-13, Section Tax Lot(s)
Page 1 of 4

Property ID No: 241295



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

Present Zoning PF (Public Facility) Total Land Area 204,732 (Square Ft.) 4.7 (acres)
Present Land Use NONE - VACANT
Proposed Zoning CMX Total Land Area 204,732 (Square Ft.) 4.7 (acres)

Attach a statement explaining evidence you plan to present to the Planning Commission to enable them to make a decision (See Attached). Applications will not be accepted without a detailed preliminary site plan drawn to scale. I understand that false statements made on this application may cause subsequent approval to be NULL AND VOID.

FOR OFFICE USE ONLY

Received By:
Amendment Fee Paid:
Receipt #:

AMENDMENTS

Authorization to Initiate Amendments. An amendment to the text of these standards, or to a zoning or plan map may be initiated by either City Council or the Planning Commission. A property owner may initiate a request for a map or text amendment by filing an application with the City using the form(s) prescribed.

Zone/Plan Map Amendments. The City shall, within 45 days after filing of a petition by a property owner for a zone change/plan amendment hold a public hearing in accordance with the
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provisions of the procedures. Prior to the hearing the City shall refer the proposed amendment to the Planning Commission for their review and a recommendation; the recommendation of the Commission shall be made a part of the record at the hearing.

Justifying the zone change or plan amendment. The burden of proof is upon the applicant to show how the proposed zone change or plan amendment is:

- (1) In conformity with all applicable State statutes
- (2) In conformity with the State-wide planning goals where applicable
- (3) In conformity with the Comprehensive Plan, land use requirements and policies;
- (4) Needed due to a change of circumstances or a mistake in the original zoning .

Tentative Approval. Based on the facts presented at the hearing and the recommendation of the Planning Commission, if the City determines that the applicant has met all applicable criteria for the proposed change, the City shall give tentative approval of the proposed change. Such approval shall include any conditions, stipulations or limitations which the City determines to be necessary to meet the criteria. An appeal of the City's decision shall be effected in the manner provided for in the standards. Upon completion of hearings process, the council shall, by order, effect the zone reclassification of the property. Provided, however, if the applicant fails to abide by the conditions attached to the rezoning the Council may, at a later date, rezone the affected property to its original zoning by order.

Public Hearing on Amendments. If a map change is initiated by the Planning Commission or City Council, or if an amendment to the text of these standards is to be considered, the City Council shall hold a public hearing on the proposed change. Notice of the hearing shall be



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PO Box 2460 16345 Sixth Street
La Pine, Oregon 97739
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published in a newspaper of general circulation in the City the week prior to the hearing. Before establishing a map change, the Council shall make findings that the proposed change meets the criteria set forth in code. Any change affected under this section shall be by ordinance.

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

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

Applicant: Khalil Abdul Karim Date: 7/20/19
Signature

Owner/Agent: Khalil Abdul Karim Date: 7/20/19
(Circle One) Signature

If you are the authorized agent, please attach the letter of authorization signed by the owner.

NOTE: This may not be a complete list of information required to process and decide this request, and additional information may be required after further

August 20, 2019

K Huntington LLC
409 NE Greenwood Avenue, Suite 200
Bend, OR 97701

Subject: 03ZC-2019 Completeness Review

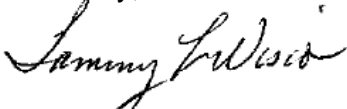
Mr. Malmstrom:

The City of La Pine has received your zone change application for map/tax lot 221011CB00100, assigned the file number above. Your application has been reviewed for completeness and has been deemed incomplete until the following information is submitted to the City:

- Detailed burden of proof narrative, addressing compliance with all applicable La Pine Development Code applicable criteria, as well as Comprehensive Plan policies and Statewide Planning goals. It is recommended that this narrative be completed by a land use planner/attorney.
- Verification of property ownership (title report or other document).
- Traffic analysis, prepared by professional engineer or traffic expert.
- This application also needs to be accompanied by a Comprehensive Plan Amendment application.
- Documentation of completion of neighborhood meeting, in compliance with LPDC 15.202.050. Documentation of all mailings required.
- Mapping demonstrating the existing zoning and proposed zoning.

Your application cannot be deemed complete or reviewed until the above information is received. Please submit the above information to the City at City Hall, 16345 6th Street, La Pine. If you have any questions, please contact me at (210) 896-3432 or twisco@retiaconsult.com.

Sincerely,



Tammy L. Wisco, PE, AICP
City Planner



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

Zone Change/Comp Plan
Amendment Application

Zoning Map Amendment Fee \$6,000.00

File Number #

Applicant Name K Huntington LLC / Kodiak Malmstrom Phone 541-390-4705 Fax
Address 409 NE Greenwood Ave, Suite 200 City Bend State OR Zip Code 97701
Email kodiak@kodiakcre.com
Property Owner same Phone same Fax
Address same City same State same Zip Code same
Email (optional)

ZONE CHANGE/ COMP PLAN DESCRIPTION

Property Location (address, intersection of cross street, general area)

The subject property is located on the west side of Huntington Road, north of Memorial Lane. The property does not have an address but is identified as Tax Lot 100 on the Deschutes County Tax Assessor's Map 22-10-11CB.

Map and Taxlot: 221011CB00100

Assessors Parcel Number T 15, R 13, Section Tax Lot(s)



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Present Zoning PF Total Land Area _____ (Square Ft.) 4.7 (acres)

Present Land Use vacant

Proposed Zoning CMX Total Land Area _____ (Square Ft.) 4.7 (acres)

Attach a statement explaining evidence you plan to present to the Planning Commission to enable them to make a decision (See Attached). Applications will not be accepted without a detailed preliminary site plan drawn to scale. I understand that false statements made on this application may cause subsequent approval to be NULL AND VOID.

FOR OFFICE USE ONLY

Received By: _____

Amendment Fee Paid: _____

Receipt #: _____

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- (1) In conformity with all applicable State statutes
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published in a newspaper of general circulation in the City the week prior to the hearing. Before establishing a map change, the Council shall make findings that the proposed change meets the criteria set forth in code. Any change affected under this section shall be by ordinance.

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

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

Applicant: Same as Owner Date: _____

Signature

Owner/Agent: _____ Date: January 16, 2020

(Circle One) Signature

If you are the authorized agent, please attach the letter of authorization signed by the owner.

NOTE: This may not be a complete list of information required to process and decide this request, and additional information may be required after further

Burden of Proof Statement - City of La Pine
Comprehensive Plan Map Amendment and Zone Change

Applicant/Owner:

K Huntington LLC
Kodiak Malmstrom
409 NE Greenwood Avenue, Suite 200
Bend, OR 97701

Engineer:

HWA
Grant Hardgrave, PE
62930 O.B. Riley Rd. Suite 100
Bend, OR 97701

Traffic Engineer: Transight Consulting, LLC

Joe Bessman, Principal
61271 Spendor Lane
Bend, OR 97702

Planner: Blackmore Planning and Development Services, LLC

Greg Blackmore, Principal Planner
19454 Sunshine Way
Bend, OR 97702

Location: The subject property is located on the west side of Huntington Road, north of Memorial Lane. The property does not have an address but is identified as Tax Lot 100 on the Deschutes County Tax Assessor's Map 22-10-11CB.

Request: The applicant is requesting the review of a Comprehensive Plan Map Amendment and Zoning Map Amendment (Zone Change) to change the designation and zone of the subject property from Public Facility (PF) to Commercial Mixed-Use (CMX).

I. Applicable Criteria and Procedures:*1. City of La Pine Development Code*

- ARTICLE 3 – ZONING DISTRICTS
 - Chapter 15.22 – Commercial and Mixed-Use Zones
 - Chapter 15.24 Industrial and Public Facilities Zones

- ARTICLE 5 – DEVELOPMENT STANDARDS
 - Chapter 15.80 - Development Standards, Generally
 - Chapter 15.88 - Access and Circulation

- Chapter 15.90 - Public Facilities
 - ARTICLE 7 – PROCEDURES
 - Chapter 15.202 - Summary of Application Types and General Provisions
 - Chapter 15.204 - Application Procedures
 - ARTICLE 8 – APPLICATIONS AND REVIEWS
 - Chapter 15.334 - Text and Map Amendments
2. Oregon Administrative Rules (OAR)
- 660-012 Transportation Planning Rule (TPR)
 - 660-015 Oregon Statewide Planning Rule

II. General Facts:

1. LOCATION: The subject property is located on the west side of Huntington Road, north of Memorial Lane. The property does not have an address but is identified as Tax Lot 100 on the Deschutes County Tax Assessor's Map 22-10-11CB.



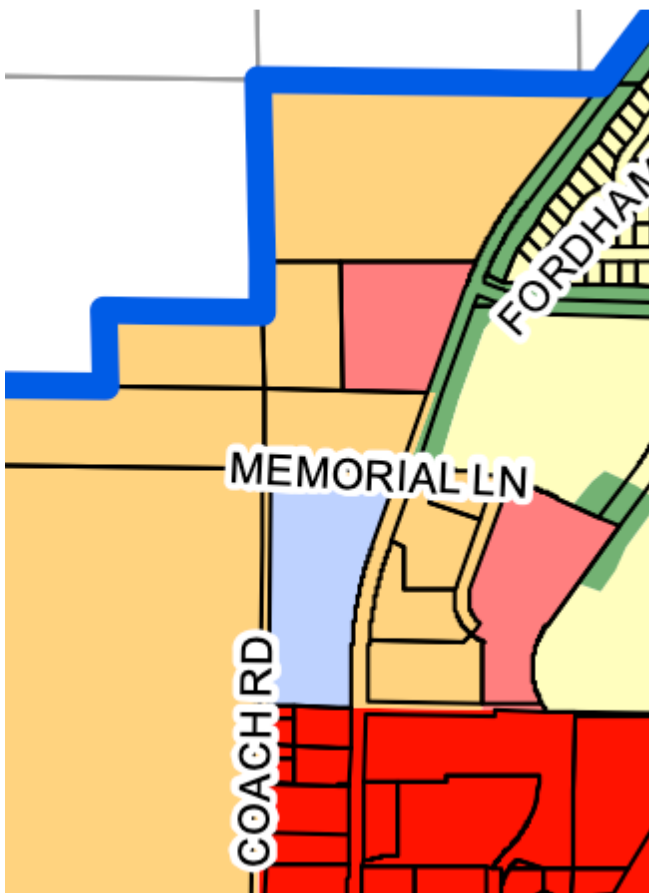
2. EXISTING ZONING AND COMPREHENSIVE PLAN DESIGNATIONS: The subject property is zoned and designated Public Facilities (PF) on the La Pine

Comprehensive Plan Map and Zoning Map.

3. SITE DESCRIPTION AND SURROUNDING DEVELOPMENT: The subject property is 4.7 acres in size and rectangular in shape. It is vacant and populated with native vegetation, including antelope bitterbrush and Idaho fescue, along with Lodge Pole Pine and Ponderosa Pine trees. Soils consist of NRCS 115A Soil – Shananan loamy coarse sand. The property is generally level and unimproved, but intersected by a few informal trails, where there are signs of walking, bicycling and/or off-road vehicle use. The property is located outside of any FEMA designated floodway and/or floodplain.

Surrounding Zoning -

An excerpt surrounding Zoning is included below:



As shown on the map, the properties to the north and west are zoned Public Facilities (PF) and Commercial Mixed-Use (CMX), the property to the south is zoned Commercial/Residential Mixed Use (CRMX), and the properties to the east (across Huntington Road) are zoned Master Planned Residential (MPR), however with an application currently under review, the adjacent property on the east side of Huntington Road will be CMX.

Surrounding Development –

An aerial image of the surrounding area is included below:



As shown on the aerial image, the property to the north(east) is developed with the St. Charles Medical Clinic; all other surrounding properties are undeveloped. Beyond the immediately abutting properties, to the northeast is the Crescent Creek subdivision, a development that is improved with single-family homes. To the southeast, is the Little Deschutes Lodge, a Housing Works apartment complex and a Habitat for Humanity subdivision, and to the southwest is the La Pine School Campus.

The property abuts Huntington Road; located immediately east of the property, this roadway is improved with vehicular travel lanes.

4. PROPOSAL: The applicant is requesting the review of a Comprehensive Plan Map Amendment and Zoning Map Amendment (Zone Change) to change the designation and zone from of the subject property from Public Facility (PF) to Commercial Mixed-Use (CMX).

5. EXHIBITS: In addition to this burden of proof statement, the applicant submits or references the following exhibits in support of this proposal:

- Application Form and Fees

- Deeds
- Existing and Proposed General Plan Map
- Transportation Planning Rule (TPR) Analysis
- Documentation of Neighborhood Meeting

6. LOT LEGALITY: The property was created as Lot 1 of the Newberry Neighborhood subdivision, thus consist of a lot of record as defined by the La Pine Development Code.

III. LPDC Article 3 - Zoning Districts:

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.

Applicant Response: The Comprehensive Plan Map Amendment and Zoning Map Amendment propose to change the 4.70-acre property from PF to CMX. The reason for the Comprehensive Plan Map Amendment and Zone Change is based upon the history of the PF zone, private ownership, and the current land needs of the City of La Pine. The subject property currently has a Public Facilities (PF) Comprehensive Plan designation and zone; however it was previously zoned Forest (F-1), which was a remnant of prior Deschutes County Zoning (prior to incorporation). In April of 2017 the

City of La Pine conducted a Legislative rezone, to make all zoning consistent with the Comprehensive Plan designations. The Legislative rezone resulted in all F-1 zoned properties in the City of La Pine being rezoned to PF.

The history and need for F-1 zoned lands and PF zoned lands are detailed in Chapter 4 of the Comprehensive Plan. As detailed in that Chapter, La Pine is not required to plan for forest lands in the City, nonetheless historic Deschutes County Forest Zoning areas existed on properties that were located within the Urban Growth Boundary; the City established provisions to allow for historic uses and to plan for the future. Chapter 4 notes:

It is expected that as the City grows, the forest lands will be converted to Public Facility uses. It is the intent of this plan to recognize the potential transition of such lands to other uses more appropriate within an incorporated community. Such uses may include sewer treatment plant expansion, cemetery, energy production, wildfire buffers, and highway 97 expansion uses. However, due to the rural nature of the community, and the desire for the residents to retain this character, forest lands may also transition to designated natural areas, open spaces, wilderness areas and wildlife habitat. The link between forest lands and the natural environment will be important to define and plan for as La Pine transitions these lands to PF uses. This element is explored in greater detail in the Natural Resources Chapter of the Comprehensive Plan.

This section indicates that the prior “forest” land conversion is expected as the community changes. It is the intent of this chapter to recognize uses that are more appropriate within the community and to plan for the changes accordingly. The current proposal recognizes a changing community; properties to the north and south are zoned for mixed use developments, the property to the north is developed with a St. Charles Clinic. Also, the property to the east is being developed as a Master Planned area, which will include commercial and residential components. The downtown core is expanding north along Huntington Road, and the subject property (being privately owned) has not been identified as being needed to accommodate a public use in La Pine.

In addition to providing appropriately zoned land in a changing community, this section establishes a desire to retain a rural character and transition areas between urban and rural areas. With the prior Legislative Zone Change (which changed F-1 lands to PF), the abutting properties to the west and north can ensure the desired transitions:

- The abutting privately held 4-acre property to the north is zoned PF and there is a 4.9-acre property owned by the La Pine Park and Recreation District that is PF to the northwest, which can provide a transition to the abutting rural properties.
- There a 10 acre property to the west is zoned PF and owned by the Bend La Pine School District. This publicly owned property provides provide the needed buffer and, given its size, sufficient transitions could continue to be provided through any future development of this site.
- Beyond those properties and beyond the UGB, is publicly held F-1 zoned property that is situated outside of the City of La Pine. This public property can continue to provide a buffer.

Overall, the existing conditions, including public and privately held properties all around the subject property, along with County Zoned F-1 properties will maintain the rural character in this area and will sustain the desired transitions to forest land outside of the UGB, in accordance with this section.

The property currently has a Public Facilities (PF) Comprehensive Plan designation. The current proposal includes changing this designation to Mixed Use Commercial (CMX). The Comprehensive Plan states that within La Pine, there are over 1000 acres of public land (these are generally undeveloped) that will continue to have a PF designation, even after removing this property from the available supply. The inventory of PF designated land is significantly more than is typically reserved for Cities across in Oregon. Furthermore, through this review process, City Staff, the Planning Commission and the City Council will have the opportunity to review the proposal and the impact to public facilities land needs, and determine if the property is needed for a specific public purpose. Because the City has more than an adequate supply of Public Facilities (PF) designated lands, and because there are no specifically documented needs for the subject property for a public use, the proposed Comprehensive Plan Map amendment and Zone Change will not be impactful to ensuring adequate public uses can be provided throughout the community.

Given the development pattern along Huntington Road, the fact that properties to the north and south are zoned for Mixed Use, the anticipated development of the property to the east, and the site's proximity to downtown, this area is also an extension of an overall City's commercial corridor and the downtown core. Therefore, CMX zone provides an appropriate zone and range of uses, which achieves the development pattern in the area.

Future Site Plan and Land Division Applications will detail the final uses, lot sizes, dimensions, and facilities that are necessary to accommodate a variety of uses that are allowed in CMX zone. Also, once a design is finalized and/or users of the area are secured, development of the CMX site will be required to apply for a Site Plan / Design Review application, where specific buildings and site designs will be reviewed. The location and proximity of the planned CMX Zone to the downtown core and nearby residential areas can both 1) provide employment opportunities and 2) provide for vibrant commercial uses that will be available to nearby residents and the broader community. Furthermore, the size of the site, CMX Zone requirements, and allowed uses ensure that development upon the CMX zoned property will be compatible with the surrounding uses.

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....

Applicant Response: The CMX Zone allows for a variety of uses, including residential uses, commercial uses, and institutional uses. Specific uses for the CMX zoned area are not proposed at this time, but rather will be reviewed in future Site Plan Review applications. The future Site Plan Review(s) will ensure conformance with this section.

15.22.400 Development Standards...**15.22.500 Additional Standards...**

Applicant Response: The current proposal is for a Comprehensive Plan Map Amendment and Zoning Map Amendment; no development is proposed at this time (development will be reviewed in future Site Plan or Land Division Applications). Because no development is proposed with this application packet, these development standards do not apply to the current applications, but instead will be reviewed with future Land Division and/or Site Plan reviews.

Chapter 15.24 – Industrial and Public Facility Zones**15.24.200 Characteristics of the Industrial and Public Facility Zones**

Industrial and Public Facility zones accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. Two industrial zoning districts, one for light industrial uses and one for general industrial uses, provide for the full range of planned industrial land uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high-quality environment for business, offer a range of parcel sizes and locations for industrial site selection, avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses...

C. Public Facility Zone (PF). The PF zone is intended to provide areas for largescale public facility and utility uses that require separation from residential and commercial uses. Additionally, the PF zone accommodates industrial uses that are compatible with large-scale public facilities.

Applicant Response: The proposal includes a change to the zone and designation from PF to CMX, thereby rendering these standards inapplicable. Regardless of applicability, it is worth noting that this section establishes the desired characteristics of the PF zoned areas. This section establishes that PF zoned areas are intended to provide for large-scale public and utility uses in areas that require separation from residential and commercial uses. Given that this property is situated on a corner lot abutting Huntington Road and Memorial Lane, with commercial development to the north, expected residential mixed use to the south, and in an area of an expanded downtown core, the property is not at all separated from expected commercial or residential uses; the location does not fit the characteristics noted in this section.

IV. LPDC Article 7 - Procedures:**15.202.0010 Purpose and Applicability**

A. Purpose. The purpose of this chapter is to establish decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making

process in a timely and effective way. Table 15.202-1 provides a key for determining the review procedure and the decision-making body for particular applications.

Applicant Response: This section addresses the procedures that will be utilized in the review of this application packet. The procedures do not include any development standards or approval criteria that the applicant needs to document conformance with, instead this section details how the applications are to be reviewed by the City. The majority of the provisions of this Article direct City Staff, however there are a few sections that identify applicant required procedural provisions. The applicant anticipates that the applicable procedures of this section will be followed by City Staff. The procedures that are requirements of the applicant (and those which could use further analysis), are addressed below.

B. 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.

Applicant Response: Based upon prior City decisions and based on the fact that the application impacts only one privately held property, the applicant anticipates that the application packet will be reviewed via the Type III procedure with hearings before both the Planning Commission and City Council.

15.202.020 Time Limit and Consolidated Review

C. Consolidated Review of Applications. When an applicant applies for more than one type of application for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

Applicant Response: The applicant has submitted Comprehensive Plan Map

Amendment and Zoning Map Amendment. The applicant understands that the applications can be consolidated, as detailed in this section.

15.202.040 Pre-application conference

A. A pre-application conference is encouraged for complex applications or for applicants who are unfamiliar with the land use process and is required for all Type III applications. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the applicable land use codes, to provide for an exchange of information regarding applicable requirements of the comprehensive plan, zoning code or land division code and to identify issues likely to arise in processing an application. The applicable zoning code may require that a pre-application conference be held for particular types of applications.

B. Required pre-application conferences must be held no more than one year prior to the submittal of a Type III land use application. Requests for preapplication conferences shall be made on a form provided by the City.

Applicant Response: The applicant had pre-application meetings with City Staff prior to submittal. The pre-application meetings that were held conform to these requirements.

15.202.050 Neighborhood Contact

A. Purpose and Applicability. Unless waived by the City Planning Official, applicants for master plans, subdivisions with more than 10 lots, major variances and property owner-initiated for zone changes are required to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.

B. Notice. Notice of the meeting must be given in writing to all property owners whose property is located within 100 feet of the site, at their addresses of record at the Deschutes County Assessor's office, at least 14 days before the meeting and at least 21 days before submitting the application to the City. The notice must state the time, place, and purpose of the meeting, including a description of the proposed development.

Applicant Response: As documented in the attached Exhibit, the applicant sent notice to all surrounding property owners within 100 feet, as required by this section.

C. Meeting place, date, and time. The meeting must be held within the City limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with

disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners.

Applicant Response: The meeting was held. The location conforms to the requirements of this section.

D. Conduct of meeting. At the meeting, the applicant, or the applicant's agent, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent, shall complete a form prescribed by the City to certify the occurrence of the meeting.

Applicant Response: The meeting was held on at the La Pine Senior Center on February 6, 2020. Meeting details are attached as an Exhibit, which is the prescribed certification of the meeting.

E. Filing requirements. The meeting certification form, even if no affected property owners attend, is required and must be submitted to the City with a land use application for the application to be deemed complete. Copies of the following information must accompany the meeting certification form: a copy of the notice mailed, all addresses for which notice was mailed (e.g., copy of mailing labels), and copies of all other written materials provided prior to or distributed at the meeting.

Applicant Response: Attached as an Exhibit documenting conformance with this section.

V. LPDC Article 8 - Applications and Reviews:

15.334.010 Purpose

The purpose of this chapter is to provide standards and procedures for legislative amendments to the Comprehensive Plan and Map and to this Code and Zoning

Map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.

Applicant Response: The proposal includes a Comprehensive Plan Map Amendment and Zone Change. The proposal is intended to make changes, which will allow for future development that will meet current market demands in the City of La Pine and upon the subject property. As noted herein, this section of the Development Code is intended for the type of applications that are being submitted. This section is a purpose statement and does not contain any development standards or approval criteria.

15.334.020 Applicability

A. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plans, development code, or changes in zoning maps not directed at a small number of property owners. The following amendments are considered generally considered legislative.

1. All text amendments to Development Code or Comprehensive Plan (except for corrections).

2. Amendments to the Comprehensive Plan Map and/or Zoning Map that affect more than a limited group of property owners.

Applicant Response: The proposal is a Comprehensive Plan Map Amendment and Zone Change that impacts one privately owned property. The application does not involve broad public policy decisions; therefore it is anticipated that the proposal will be reviewed via the Type III review process.

B. Amendments to the Comprehensive Plan and/or Zoning Map (Zone Change) that do not meet the criteria under subsection A may be processed as Quasi-Judicial amendments. However, the distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.

Applicant Response: The proposal is a Comprehensive Plan Map Amendment and Zone Change that impacts one privately owned property. The application does not involve broad public policy decisions; therefore it is anticipated that the proposal will be reviewed via the Type III review process.

C. Requests for Text and Map amendments may be initiated by an applicant, the Planning Commission, or the City Council. The City Planning Official may request the Planning Commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.

Applicant Response: The application is being submitted by the property owner, which is authorized by this section.

15.334.030 Procedure Type

A. Legislative amendments are subject to Type IV review in accordance with the procedures in Article 7.

Applicant Response: The application is not a Type III - Quasi-Judicial; therefore this section is not applicable

B. Quasi-judicial amendments are subject to Type III review in accordance with the procedures in Article 7, except that quasi-judicial Comprehensive Plan amendments and Zone changes which must be adopted by the City Council

before becoming effective.

Applicant Response: Given that the application is considered a Quasi-judicial amendment, the applicant understands that it will be processed in accordance with the procedures in Article 7 and require adoption by the City Council before becoming effective.

15.334.040 Approval Criteria

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:

A. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning). If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules; and

Applicant Response: As detailed below, the proposal is consistent with the City of La Pine Comprehensive Plan. Also, the proposal includes Comprehensive Plan Map Amendment and Zone Change, but it does not include any modifications to the Comprehensive Plan itself. As detailed below, the proposal complies with all relevant policies of the Comprehensive Plan and Statewide Planning Goals. Therefore, the proposal complies with this approval criterion, to the extent it is applicable.

B. The proposal must be found to:

- 1. Be in the public interest with regard to community conditions; or**
- 2. Respond to changes in the community, or**
- 3. Correct a mistake or inconsistency in the subject plan or code; and**

Applicant Response: The current PF Zoning is a remnant of the F-1 Deschutes County Zoning that was in place on the property when it was under Deschutes County jurisdiction (prior to City of La Pine Incorporation). Since that time, the City of La Pine became its own City, La Pine established a City Council, a Planning Commission, a Comprehensive Plan and a Development Code. Furthermore the surrounding area is developed or developing; the property to the south is zoned CRMX, the property to the north is zoned CMX and developed with a medical clinic, the area to the southeast has been improved to include the Little Deschutes Lodge, a Housing Works apartment complex and (Habitat for Humanity) single family homes. Furthermore, through recent applications the property to the east is expected to be developed with a mixed use development that include nearly 200 single family homes and a commercial corridor along Huntington Road.

The subject property is privately owned and has not been identified to accommodate any specific public need. The applicant is trying to develop the site in a manner that is consistent with the area and addresses the current market demand. The PF Zone on the

privately held property does not meet the Development Code stated characteristics of the PF Zone and is inappropriate for the site (given the surrounding development pattern). The impact of the PF Zone is that the subject property is extremely limited in its developability under the PF provisions, as currently written. The current PF Zone would limit needed uses in the community, employment opportunities, impose significantly higher development costs, decrease affordability, limit creativity in design, limit the ability to address current market demands, and create buffers that far exceed a standard in urban environments.

Overall, the proposed Zone Change is in the public interest, as it allows for market demanded uses and employment opportunities, in a manner that will not place unnecessarily high costs on land, or excessively limit the uses. The CMX zone that is proposed also addresses a changed development pattern in the community, namely that the property is now in an incorporated City and surrounded by lands zoned for mixed use. Also, the land is not needed for public uses and there is a demand for CMX allowed uses in the City of La Pine.

C. The amendment must conform to Section 15.344.060, Transportation Planning Rule Compliance; and

Applicant Response: The proposal includes a TPR analysis (attached as an Exhibit) that was prepared by Transight Consulting, LLC, a highly qualified Transportation Engineering firm. Detailed findings of the TPR analysis are included in the attached Exhibit. As detailed in the TPR Analysis, the proposed Comprehensive Plan Map Amendment and Zone Change will comply with the TPR (OAR 660-12-0060).

D. For a Quasi-Judicial Zone Change the applicant must also provide evidence substantiating that the following criteria are met:

Applicant Response: The proposal includes a Quasi-Judicial review; therefore the applicant is addressing compliance with these criteria.

1. Approval of the request is consistent with applicable Statewide Planning Goals;

Applicant Response: There are 19 Statewide Planning Goals that express Oregon's land use policies. Each local government throughout Oregon, including the City of La Pine, must adopt a Comprehensive Plan to implement the Statewide Planning Goals. The City of La Pine has adopted the La Pine Comprehensive Plan and as detailed below, the proposed Comprehensive Plan Map Amendment and Zone Change conform to all applicable policies and other elements of that plan. Additionally, the City of La Pine has adopted local land use regulations, including a Development Code and a Transportation System Plan, to implement the policies of the Comprehensive Plan. As documented throughout this Burden of Proof narrative, the proposal conforms to the approval criteria of the applicable Development Code and the proposal is consistent with the relevant policies of the Comprehensive Plan; therefore the proposal is consistent with the relevant Statewide Planning Goals.

Although not directly applicable to this proposal, after consultation with the City of La Pine Planning Staff, the applicant understands that of the 19 Statewide Planning goals, goals 1, 2, 9, 11, and 12 are relevant for additional discussion with this Comprehensive Plan Map Amendment and Zone Change. All other goals have been determined to either not apply to this application, or are clearly satisfied through the City's acknowledged Comprehensive Plan, local land use regulations, and/or functional plans.

Goal 1 - Citizen Involvement, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

Applicant Response: A discussion of Goal 1 is relevant because the proposal includes a discretionary review; thus ensuring the opportunity for citizen involvement is necessary.

Conformance with Goal 1 is achieved in La Pine through *Chapter 2, Citizen Involvement Program* of the Comprehensive Plan and through the implementation procedures that have been adopted in the La Pine Development Code. Chapter 2 of the Comprehensive Plan identifies various Citizen Involvement Committees for the City. The City Council adopted the procedures in the Development Code, and the procedures have been acknowledged by the Land Conservation and Development Commission (LCDC). The adopted Development Code contains provisions to ensure an appropriate level of citizen involvement is achieved for the application type.

It is anticipated that the City will follow the procedures of the Development Code and send notice of the public hearings to all property owners within 500 feet of the property, along with interested agencies. In addition to mailed notice, it is anticipated that public notice will be published in a local newspaper. The required notices inform citizens about the hearings and indicate that any interested parties may participate by submitting written or verbal testimony. The applicant submitted application forms, and understands that public hearings, before the Planning Commission and the City Council, will be noticed and held in conformance with the public involvement procedures in the La Pine Development Code. The adopted procedures will therefore ensure consistency with Statewide Planning Goal 1.

Goal 2 – Land Use Planning, "To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions."

Applicant Response: A discussion of Goal 2 is relevant because the proposal includes a discretionary planning review, which must be supported by a factual base.

The proposal includes a plan to amend the Comprehensive Plan Map and Zoning Map from PF to CMX. The proposal will be reviewed in accordance with the planning processes and policy framework that have been established in the adopted La Pine Comprehensive Plan, along with the procedures of the La Pine Development Code (acknowledged local land use regulations). It is anticipated that the proposed Comprehensive Plan Map Amendment and Zone Change will follow the established local

planning process, and will neither alter the process for administration of the local land use regulations, nor the acknowledged procedural requirements (which ensure a factual base for all decisions). By following the adopted provisions, the review of the proposal will be consistent with Statewide Planning Goal 2.

Goal 3, Agricultural Lands

Applicant Response: Goals 3 is not applicable because the subject property is within the La Pine Urban Growth Boundary and intended for urban development. It is not agriculture land that requires protection under Goal 3.

Goal 4, Forest Lands

Applicant Response: Through prior Legislative action the zone of the property (and other F-1 zoned lands in La Pine) was changed to PF. Chapter 4 is not applicable because the subject property is within the La Pine Urban Growth Boundary and intended for urban development. The subject property does not include forestland that requires protection under Goal 4.

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces

Applicant Response: Pursuant to Goal 5, cities are required to establish inventories and adopt protections for natural, scenic, and historic areas along with open spaces. The City of La Pine has conducted the required process and the subject property has not been identified as a Goal 5 area, thus Goal 5 is not applicable to the current proposal.

Goal 6, Air, Water and Land Resources

Applicant Response: Goal 6 is not applicable because the proposed Comprehensive Plan Map Amendment and Zone Change only amends maps; it does not include development and will not have any impacts on air, water or land resources. In association with future development, it is anticipated that sewage treatment and water supply will be supplied in accordance with the adopted design standards, thus maintaining water and land resource quality on and around the property. Also, there are no streams or other water resources in the vicinity that would be adversely affected future development. For the above stated reasons, the Goal 6 is not applicable to the current proposal.

Goal 7, Areas Subject to Natural Hazards

Applicant Response: The intent of Goal 7 is to protect people and property from the dangers of natural disasters. The proposal does not include any development and the property is not subject to any significant natural hazards, including those identified under Goal 7. The site is not within the 100-year flood plain of the Little Deschutes (or any other waterway), there are no known geologic faults in the area, and the earthquake hazard is considered to be moderate. There is no designation of the property that make it more hazardous than other properties in the area, thus the proposal is consistent with this goal, and additional assessment is not necessary.

Goal 8, Recreational Needs - To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Applicant Response: The property is not designated for a recreational purpose or a destination resort within the Comprehensive Plan, other community plans, or any implementing ordinances. Throughout adopted long range planning efforts, the property has not been identified as necessary to meet recreational needs of the City, thus the planned amendment does not conflict with this statewide planning goal and additional assessment is not required.

Goal 9 – Economic Development, “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”

Applicant Response: The proposal will change the Comprehensive Plan designation of a property from its current Public Facilities (PF) designation to Mixed Use Commercial (CMX). The proposal is the first step to entitle the property for a mixed use. Additional steps will include a Land Division and/or Site Plan Review. The proposal and subsequent steps, will ultimately result in development occurring on the site, and will add Economic Lands to the City, which will improve economic opportunities in La Pine, in conformance with this goal.

Goal 10 – Housing, “To provide for the housing needs of Citizens of the state.”

Applicant Response: The proposal does not add or remove any residential lands from the La Pine Urban Growth Boundary, thus will not impact the availability of residential lands or Goal 10. Therefore this goal is not applicable. Furthermore, although this goal is not applicable, it is noted that the proposed designation, Mixed Use Commercial (CMX) includes a wide range of allowable uses, including the potential for residential uses. If ultimately developed with a residential component, the property could increase the availability of residential lands in La Pine, which would contribute to an increased supply of lands that accommodate housing, and improved consistency with this Goal. Therefore, because the proposal potentially adds to the residentially developable lands (if developed as a mixed use development), and because the proposal is being reviewed in accordance with the City of La Pine implementing ordinances, the proposal is consistent with this Statewide Planning Goal.

Goal 11- Public Facilities and Services, “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

Applicant Response: OAR 660-11 implements Goal 11, and notes, “Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons...” The most recent July 1, 2018 Portland State University population forecast for La Pine documents a population of 1,840. The population is less than 2,500; therefore this goal does not apply to the City of La Pine at this time.

Goal 12 – Transportation, “To provide and encourage a safe, convenient and economic transportation system.”

Applicant Response: Goal 12 is implemented through the Transportation Planning Rule, OAR 660-12-0060, in addition to local land use regulations. The proposal includes a TPR analysis (attached as an Exhibit), which was prepared by Transight Consulting LLC, a highly qualified Transportation Engineering firm. Detailed findings of the TPR analysis are included in the attached Exhibit. As detailed therein, the proposed Comprehensive Plan Map Amendment and Zone Change will comply with the TPR (OAR 660-12-0060). In regards to the local land use regulations, the City of La Pine has adopted a Transportation System Plan (TSP) and a Development Code; conformance with these documents ensures compliance with Goal 12. The Development Code includes requirements that transportation capacity exists, or be provided, in association with new developments and/or land division. The application and review processes that will occur in association with future development will further ensure compliance with Goal 12.

The detailed review of the TPR, in addition to any future development’s requirement to comply with the TSP and the transportation section of the Development Code ensures consistency with this Statewide Planning Goal.

Goal 13 Energy – “To conserve energy.”

Applicant Response: The proposal includes an amendment to the Comprehensive Plan Map and a Zone Change; the proposal does not include any development or energy producing/consuming elements. Furthermore, the proposed CMX designation provides for a wide range of allowable uses and a mix of uses. Increased density and a mix of uses provide an efficient use of land, which could potentially reduce vehicle miles traveled and conserve energy. Ultimately, because no development is planned at this time, Goal 13 is not relevant to the proposed amendments; the proposed amendments will not have a direct impact on energy conservation.

Goal 14 Urbanization – “To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

Applicant Response: Goal 14 requires local governments to provide for an orderly and efficient transition from rural to urban land uses, and to accommodate urban population and employment inside urban growth boundaries, while the ensuring efficient use of land. The subject property is located within the urbanized city limits and the proposal will facilitate development that will use existing public facilities and services (which will be reviewed in subsequent site development applications) in an efficient and functional land use pattern. Given that the proposal does not expand the urban growth boundary, this goal is not relevant to the proposed amendments.

Goals 15 through 19 –

Applicant Response: These goals are not relevant because they only pertain to areas in western Oregon.

Based on conformance with the procedural requirements of this land use process and the conformance with the TPR, the proposed Comprehensive Plan Map Amendment and Zone Change conform to the applicable Statewide Planning Rules.

Should City Staff, or an interested party, identify other Administrative Rules that warrant discussion, the applicant will address accordingly at, or before the public hearing.

*****Development Code 15.334.040.D Continuation**

2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan;

Applicant Response: The Applicant has reviewed past land use decisions and consulted with City Staff in the design of the project and the preparation of this application packet, including the identification of the relevant Comprehensive Plan policies. As described below, the proposed Comprehensive Plan Map Amendment and Zone Change conform to all applicable Comprehensive Plan Policies and applicable Plan elements. In the event that Staff or another interested party believes that additional policies, goals, or overview sections are relevant for review and discussion, the Applicant will supplement the record with written documentation of consistency, as needed.

Introduction

This chapter takes a reader through basic information related to comprehensive plans, including the history of La Pine, what a comprehensive plan is, a summary of Oregon's Statewide Planning Goals (fully addressed above), the purpose and intent of the Comprehensive Plan, the process and the methodology, along with a summary, recommendations, and a process for amending the plan. This Introduction section of the Plan does not include any policy directives, thus does not include any elements to measure the proposals conformance with.

It should be noted that (as identified in this Section), through the visioning process, the City indicated that while citizens want to maintain their small-town feel, they would like to "...increase(ing) the degree of basic public services and amenities for their everyday needs. These include better access to health care/hospital, *increased employment opportunities*, enhanced recreational opportunities and other elements common to everyday life." (Page 11 La Pine Comprehensive Plan). The proposed Comprehensive Plan Map Amendment and Zone Change is intended to address at least one of the specifically stated desires, by providing developable employment lands, thus it addresses a stated need of the community.

Chapter 1 – Community Characteristics

After detailing La Pine's history, from demographics to development groups, and land use patterns, this chapter goes on note that, "These historic types of land uses do not currently support sustainability and the reduction of vehicle miles travels." (Page 18 – La Pine Comprehensive Plan). The chapter ends with a series of bullet points, identifying

imbalances that the community wants to correct, to improve neighborhoods. The stated imbalances that relate to the current proposal include the following:

- ***Better access and pedestrian ways that connect people to open spaces, parks, and recreational lands closer to where they live***
- ***Additional employment and commercial service nodes closer within neighborhood areas so that people do not have to drive long distances to get “a gallon of milk” or other daily consumable items.***
- ***Schools that are within shorter walking distances from residential areas***
- ***Reduce reliance on energy consumption in an effort to make the community energy neutral.***

Applicant Response: Allowing a Comprehensive Plan Map Amendment and Zone Change is the first step to entitle the property for future development. If the entitlement process is successful, the applicant intends to proceed with the development in a timely manner. Development will result in services provided to and through the property, including access and pedestrian ways, in accordance with adopted development standards. Furthermore, the proposed CMX zone provides for a wide variety of uses, including many employment and commercial uses, which, upon development, could address the second bullet point above (employment and commercial service nodes). Also, providing the potential for residential development within close proximity to the Bend La Pine School District property and residential areas allows for short walking distances to schools and commercial nodes. Ultimately, development upon mixed-use zoned land provides options for market driven, innovative designs with a variety of uses in one area. Such development can reduce reliance on vehicles and reduces reliance on energy consumption. The proposal is therefore consistent with all elements of this Section of the Comprehensive Plan.

Chapter 2 – Citizen Involvement Program

This chapter identifies State rules related to citizen involvement, along with the community’s purpose and intent for citizen involvement. Furthermore, this chapter identifies issues and goals, policies and programs, it establishes roles and responsibilities, and establishes specific Citizen Advisory Committees (CACs). One CAC that is identified in this chapter is a Planning Commission, which has been established for Planning and Land Use purposes. The applicant anticipates that the proposal will be processed and reviewed in accordance with the public notification procedures that have been established in the La Pine Development Code, and that hearings will be held before both the Planning Commission and the City Council. Overall, it is anticipated that the application will be review by the established citizen advisory committee (the Planning Commission), and in accordance with the adopted notification procedures, thus will be consistent with this chapter.

Chapter 3 – Agricultural Lands

This chapter addresses agricultural lands. La Pine is an urban area therefore is not required to plan for agricultural lands in the City. The property is not identified as

Agricultural Land; therefore this chapter does not apply.

Chapter 4 – Forest Lands

This chapter addresses forest lands. La Pine is an urban area therefore is not required to plan for forest lands in the City. The property is not identified as Forest Land; therefore this chapter does not apply to the current proposal.

Chapter 5 – Natural Resources and Environment

Applicant Response: This Comprehensive Plan chapter is intended to address Oregon Statewide Planning Goals 5, 6, and 7 which address natural resources, historic area, and open spaces, air water and land resources and protection from natural hazards. The subject property is a vacant property that has not been identified as having any protected natural resources, historic elements, or designated open spaces. Furthermore, the proposal changes the Comprehensive Plan Map, but does not include any development, thus will not result in any impacts to air, water or land resources. Also, the property is not subject to any significant natural hazards, including those identified under Goal 7. The site is not within the 100-year flood plain of the Little Deschutes (or another waterway) and there are no know geologic faults in the area and the earthquake hazard is considered to be moderate. There is no designation of the property that make it more of a hazard than other properties in the area, thus the proposal is consistent with this chapter.

Chapter 6 - Parks, Recreation, and Open Space

This Chapter is intended to carry out Statewide Planning Goal 8, Parks, Recreation and Open Space. Recognizing that quality of life is impacted by the location and function of area parks, natural areas and open spaces, this chapter encourages corporation between the City, the La Pine Park and Recreation District, County, State and Federal Agencies, in an effort to develop an appropriate park system for the City. In the La Pine area, the La Pine Park District has existed since 1990. This district has an adopted Master Plan, which identifies park needs, locational needs, desires and deficiencies. The Park District owns a property that is located at the northwest corner of the subject property and there are not any other park needs identified on the subject property. Because the property has not been identified as being needed to meet recreational needs of the City, the planned amendments do not conflict with this chapter. Additional vehicular, bicycle and pedestrian connections, and development standards will be reviewed in association with future land development (Site Plan Review or Land Division). Given that there are no identified park, recreation or open space needs on the property and given that future development will be required to make connections as established in the Development Code, the applicant concludes that the policies in this section do not apply to the current proposal, but rather will be imposed on future development as implemented by the Development Code.

Chapter 7 – Public Facilities and Services

This chapter is intended to carry out Statewide Planning Goal 11. Given the current

population of 1,840 (PSU July 1, 2018 Population Estimate), Goal 11 does apply to the City of La Pine. Nonetheless the Comprehensive Plan includes a comprehensive review of service providers, development reviewing entities, health providers, recreation providers, street details, water and sewer elements, school, library, solid waste, storm water, power, gas, communication and broadcasting providers. After detailing the providers within the City, this Chapter includes goals and policies directed at coordination, provider details, expansion needs, development restrictions, along with conservation practices. Some of the policies of this Chapter are directed at development and are carried out through the Development Code standards. The policies of this section do not apply to the current proposal, as it includes a Comprehensive Plan Map Amendment and Zone Change only, without development. The elements of this chapter that have been incorporated into the Development Code and will be imposed upon future development review(s), which will ensure consistency with this Chapter.

Chapter 8 – Transportation

This chapter is intended to carry out Statewide Planning Goal 12. This chapter provides details of the transportation elements of La Pine, including roads, bicycle ways, pedestrian routes, and public transit. Furthermore, this chapter addresses long range planning needs, air and rail, pipelines, and funding. The majority of the policies of this section have been incorporated into the Development Code and implementing regulations, which will be imposed upon future site development. The current proposal includes a Comprehensive Plan Map Amendment and Zone Change only, it does not include development. Therefore, the policies of this chapter do not apply to the current proposal but instead will be imposed upon future development, as adopted into the applicable implementing regulations.

Chapter 9 – Economy

This Chapter is intended to carry out Statewide Planning Goal 9, Economic Development. This Chapter includes an extensive analysis of the La Pine economy, noting that “La Pine’s focus on economic development is a key component of its vision to be a “complete” community...the concept of creating a complete community begins with providing enough jobs, education, services, and industry to sustain the community without heavy reliance upon other nearby cities such as Bend and Redmond. “ (La Pine Comprehensive Plan Page 87)

The proposed Comprehensive Plan Map Amendment and Zone Change will allow for an integrated design, a Mixed Use area, and the continuation of the downtown core. The allowance of both commercial and residential uses (both allowed in the CMX Zone) along with the anticipated integrated community to the east, will contribute to a complete community area as desired in this chapter. This chapter further provides reasons why La Pine is desirable for economic development, it identifies key industrial areas, commercial areas, addresses mixed-use areas, drivers of the economy, existing conditions, trends statistics industries and employers, along with desired industries. Beyond those elements, the chapter provides details of land inventory and needs. Ultimately, the chapter concludes that there is an adequate supply of employment lands within the City to meet the 20-year need.

This chapter also specifically addresses Commercial/Mixed Use opportunities; noting “There are many opportunities to add commercial or mixed use zone designations to various area throughout the community in an effort to balance neighbors and improve mixed uses as well as deepen existing areas so redevelopment can easily accommodate new commercial centers” (La Pine Comprehensive Plan, Page 113).

This Chapter notes;

“... commercial or mixed-use designations within the City Limits will occur as a result of the following actions:

- Addition of new commercial/mixed-use lands to deepen the strip commercial areas
- Addition of commercial/mixed lands to serve neighborhoods and employment areas

The subject property, situated on the west side of town, is located away from the primary Highway 97 commercial strip. There is a developed residential area nearby, along with anticipated future residential, in addition to the St. Charles Medical clinic, a senior center, the Little Deschutes Lodge, and the school campus. Other surrounding properties are undeveloped but planned for residential and/or commercial uses. The proposed Comprehensive Plan Map Amendment and Zone Change will enhance and broaden the community base in this area, and provide the potential for a variety of services to the existing and future residential uses, enhancing the “complete community” concept in this area of town, in accordance with this chapter.

Policies

- ***Frequent updates to the inventories may be required in response to redevelopment, proposed zone changes, mixed-use development techniques and planned unit developments that enable “Complete Neighborhood” concepts and economic development opportunities.***

Applicant Response: As noted above a complete community begins with providing enough jobs, education, services, and industry to sustain the community without heavy reliance upon other nearby cities such as Bend and Redmond. The current proposal is being submitted with an intention to add a mix of uses to this area (commercial and/or residential uses), to provide employment opportunities, and to add to the vibrancy of the community, thereby enhancing the complete community nature of the area. This policy recognizes the need for these types of changes, and anticipates that updates will be needed to provide for efforts such as this. Allowing the update would therefore be consistent with this policy.

Chapter 10 – Housing

This chapter addresses housing and Statewide Planning Goal 10. The proposed Comprehensive Plan Map Amendment and Zone Change will not alter the availability of housing or residential lands in the City of La Pine. The property does not exist as a residentially designated parcel, and the proposed designation is Commercial Mixed Use

(CMX), which is not primarily residential. The proposal does not add or remove any residential lands from the La Pine Urban Growth Boundary, thus will not impact the availability of residential lands, Goal 10, or this chapter. It is noted that the proposed Comprehensive Plan designation, Commercial Mixed Use (CMX), includes a wide range of allowable uses, including the potential for residential uses. If ultimately developed with a residential component, the property could increase the availability of residential lands and housing options, which would contribute to an increased supply of residential lands, and would be consistent with this Chapter. Because the proposal potentially adds to the residentially developable lands (if developed as a mixed use development), and because the proposal is being reviewed in accordance with the City of La Pine implementing ordinances, the proposal is consistent with this chapter.

Chapter 11 – Energy Conservation

This chapter carries out Oregon Statewide Planning Goal 13. After providing background, purpose and intent, this Chapter identifies issues with travel, existing development patterns, and energy supply opportunities. The policies of this chapter address residential density, along with development and design desires. The proposal does not include any development or modify densities; thus the policies of this chapter are not relevant to the current proposal. It is anticipated that some of the policies of this section will be addressed through future site development, as implemented through adopted Development Code provisions.

Chapter 12 – Urbanization

This chapter carries out State Planning Goal 14, which requires that cities provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. This chapter provides details of Buildable Lands, residential and commercial land needs, ultimately determining that the amount of land within the City Limits is sufficient to accommodate the 20 land needs. In addition to detailing land needs, this chapter provides guidance and direction on future development within the UGB area. This chapter notes, “The City of La Pine currently contains over a thousand acres of forest and BLM lands. These acres are located on the eastern part of the community and mostly east of the BNSF rail line. These acres will be used for public facilities such as sewer expansion ROW for the ODOT overpass, energy production and other public use.” With over 1000 acres of available public lands designated PF, the City has a substantial oversupply. Furthermore, in addition to the referenced federally owned properties on the east side of La Pine, there are significant amount of other PF designated properties in the vicinity of the subject property, including properties to the north, west and south. Policies of this section that may apply to the current proposal:

- ***Land use patterns shall enhance the development of “Complete Neighborhoods.”***
- ***Lands needed for supplementing housing, economic development, or other land uses shall be processed based upon need and balancing the urban form for the benefit of the community in its goal to***

establish a “Complete Community.”

• The need for new mixed use areas within the City shall be explored on an as needed basis for the purpose of furthering the Complete Neighborhood planning concepts envisioned by the Plan.

Applicant Response: The property is situated on the west side of town away from the primary Hwy 97 strip of commercially zoned and developed properties. There is a developed residential area nearby along with a medical clinic, a senior center, the Little Deschutes Lodge and the school campus. Furthermore, the property to the east planned to accommodate residential development. The planned Comprehensive Plan Map Amendment, Zone Change, and future mixed uses will enhance and broaden the community base in this area and provide for a variety of services to the existing and future residential uses, enhancing the “complete community” concept in this area of town, in accordance with these policies.

******Development Code 15.334.040.D Continuation***

3. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property;

Applicant Response: The application is accompanied by an existing conditions map, which documents that water, sewer, transportation systems, and franchise utilities are located within the rights of way abutting the property. The location of the facilities ensures conformance with this approval criterion. The City of La Pine Planning program further establishes development application (Land Division and/or Site Plan) review before development could occur on the property. With a development application, the La Pine Development Code requires that water, sewer and transportation facilities be extended “to and through” the site and/or upgraded to accommodate the site specific end-user (based upon demands). The location of the existing facilities, along with the requirement of future development applications (and the requirements of the Development Code), will ensure that public facilities, services and transportation networks are provided concurrent with development, as required by the Development Code. Through pre-application meetings and pre-submittal correspondence, the applicant has coordinated with the City Engineer and Public Works Department. Through those meetings, the applicant understands that capacity will be adequate in the existing facilities. Capacity will be further reviewed and formalized through any future Site Plan or Land Division Application process.

4. For nonresidential changes, the proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

Applicant Response: The proposal includes a nonresidential change, changing the zone of the property from PF to CMX. The uses allowed in the PF zone are fewer and less intensive than the uses allowed in the CMX Zone. The majority of the surrounding uses, and all of the surrounding properties along Huntington Road, are zoned for mixed

use (CMX to the north and east, and CRMX to the south). Given that the surrounding properties have the same or similar zones (CMX or CRMX) as the proposed zone, the proposed change will enhance, and not destabilize the land use pattern or adversely affect any adjacent property.

As proposed Comprehensive Plan Map Amendment and Zone Change conform to this approval criterion.

15.334.050 Transportation Planning Rule Compliance

Proposals to amend the Comprehensive Plan or Zoning Map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

Applicant Response: The proposal includes a TPR analysis (attached as an Exhibit), which was prepared by Transight Consulting LLC, a highly qualified Transportation Engineering firm. Detailed findings of the TPR analysis are included in the attached Exhibit. As detailed therein, the proposed Comprehensive Plan Map Amendment, Zone Change and Development Code Text Amendment will comply with the TPR (OAR 660-12-0060).

VI. Summary and Conclusion:

Based on the discussion above, as well as the exhibits included with this application, the Applicant has documented that the Comprehensive Plan Map Amendment and Zoning Map Amendment meet the applicable approval criteria. Because the proposal conforms to all applicable criteria and standards, the applicant respectfully requests that the City approve the Comprehensive Plan Map Amendment and Zoning Map Amendment as proposed.

After recording return to:
First American Title
395 SW Bluff Drive, Suite 100
Bend, OR 97702



After recording return to:
K Huntington, LLC, et al
409 NE Greenwood Ave., Ste 200
Bend, OR 97701

Until a change is requested all tax
statements shall be sent to the
following address:
K Huntington, LLC, et al
409 NE Greenwood Ave., Ste 200
Bend, OR 97701

File No.: 7061-3218834 (JM)
Date: April 05, 2019

THIS SPACE RESERVED FOR RECORDER'S USE

Deschutes County Official Records		2019-14893
D-D		05/09/2019 11:47 AM
Stn=1 BN		\$98.00
\$10.00 \$11.00 \$10.00 \$61.00 \$6.00		
<p style="font-size: small;">I, Nancy Blankenship, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.</p> <p style="text-align: center;">Nancy Blankenship - County Clerk</p>		

STATUTORY WARRANTY DEED

Scott Investments, L.L.C., an Oregon limited liability company which acquired title as Scott Investments, LLC, a limited liability company, Grantor, conveys and warrants to D Huntington, LLC, an Oregon limited liability company, as to an undivided 1/3 interest and K Huntington, LLC, an Oregon limited liability company, as to an undivided 1/3 interest and Rucker Properties, LLC, an Oregon limited liability company, as to an undivided 1/3 interest , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Deschutes, State of Oregon, described as follows:

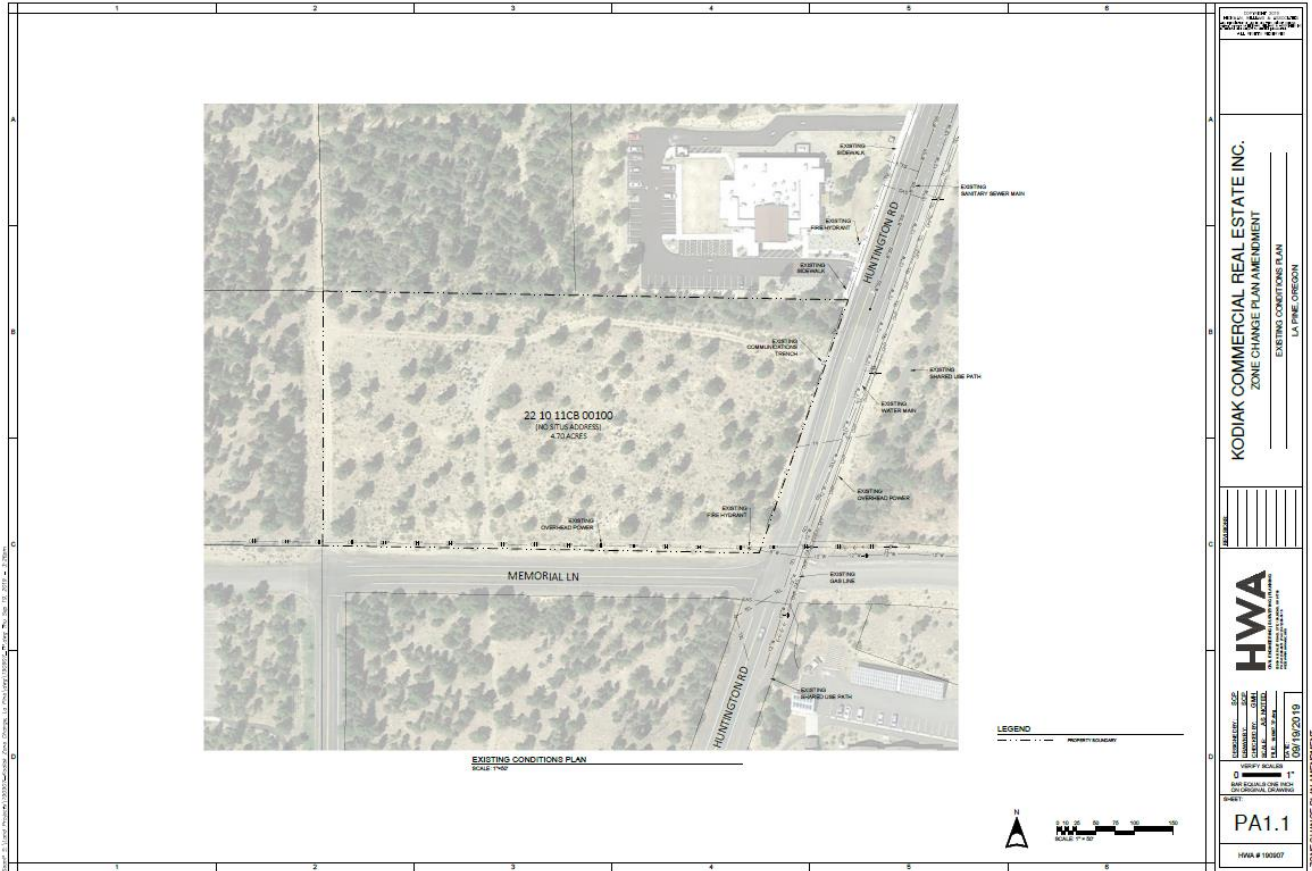
LOT 1, NEWBERRY NEIGHBORHOOD, DESCHUTES COUNTY, OREGON.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$251,000.00**. (Here comply with requirements of ORS 93.030)

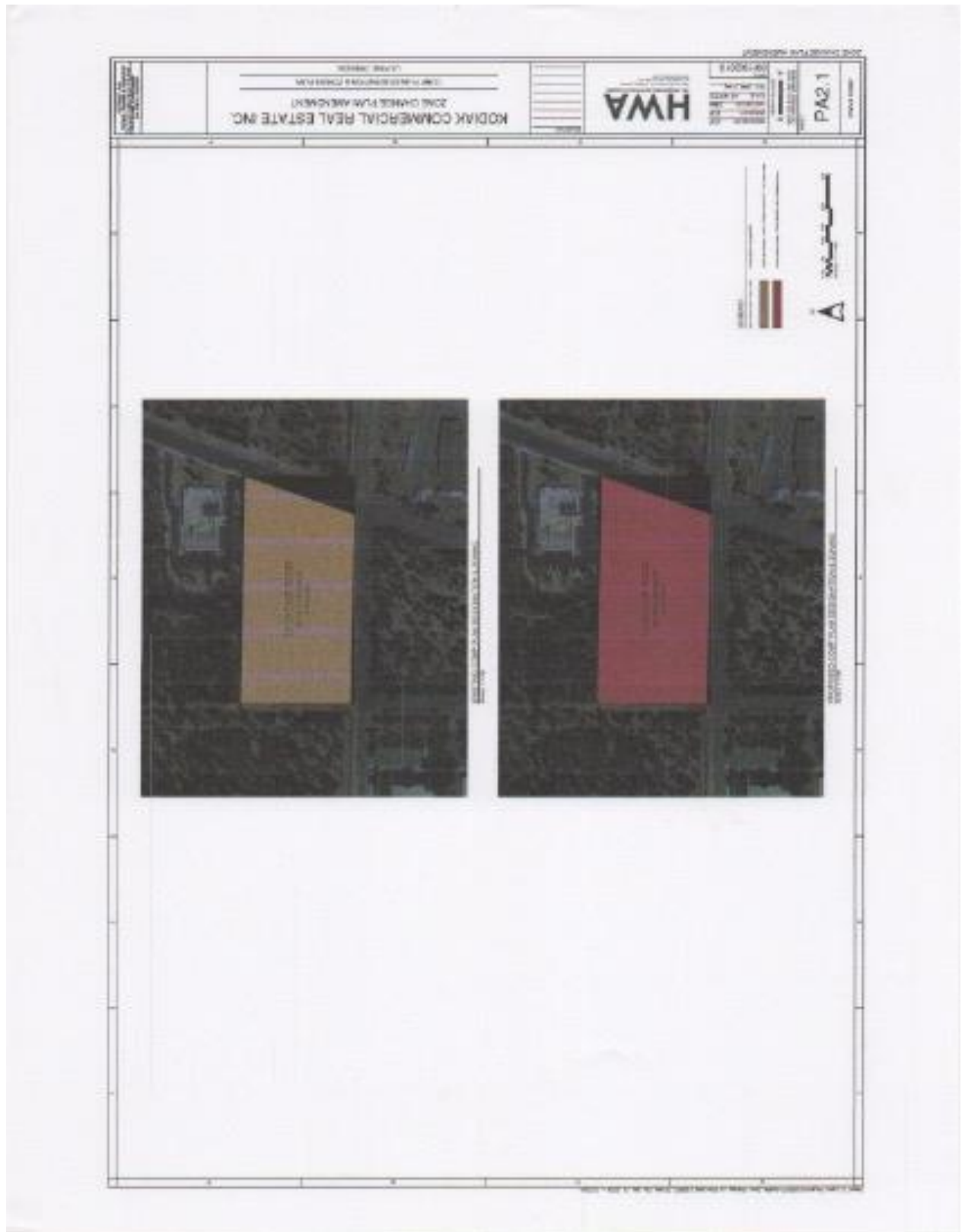




EXISTING CONDITIONS PLAN
SCALE: 1"=100'

LEGEND
--- PROPERTY BOUNDARY

<p>PROJECT: KODIAK COMMERCIAL REAL ESTATE INC. ZONE CHANGE PLAN AMENDMENT EXISTING CONDITIONS PLAN LA PINE, OREGON</p>	
<p>HWA HWA & ASSOCIATES, INC. 1000 N. HUNTINGDON RD., SUITE 100 LA PINE, OREGON 97036 PHONE: 503.833.1111 WWW.HWA-OR.COM</p>	
<p>DATE: 09/19/2019 DRAWN BY: JLM CHECKED BY: JLM SCALE: AS SHOWN SHEET: 04-11</p>	<p>VERIFY SCALE: 0" = 100' 1" = 200' 2" = 400' 3" = 600' 4" = 800'</p>
<p>PA1.1 DRAWN BY: JLM</p>	





Date:	December 13, 2019
To:	Melissa Bethel, City of La Pine
From:	Joe Bessman, PE
Project Reference No.:	1353
Project Name:	Memorial Lane Rezone



This memorandum provides materials to support the proposed zone change application for the property west of Huntington Road and north of Memorial Lane. This memorandum follows the requirements of Oregon Administrative Rule 660-12 (commonly referred to as the *Transportation Planning Rule*, and more specifically addresses subsection -0060, *Plan and Text Amendments*. There is no specific development plan for the property at this time.

PROJECT BACKGROUND

Tax Lot 221011CB00100 is a 4.70-acre parcel currently zoned *La Pine Public Facility (LPPF)*. It is located in the northwest corner of the intersection of Huntington Road and Memorial Lane. The city’s Transportation System Plan identifies the functional classification of Huntington Road as an *Arterial* and Memorial Lane as a *local street*. A rezone to *Mixed-Use Commercial (CMX)* is requested. A site vicinity map is included in Figure 1 below to show the location of the property.



Figure 1. Site Vicinity Map. (Source: Deschutes County Property Information.)

To comply with Transportation Planning Rule, the first step in determining the impact of a rezone proposal is to assess the impact of the zone change on the transportation system. This is provided as a comparative

Memorial Lane Rezone

analysis showing what could occur within the existing and proposed zoning designations within a reasonable development scenario. If the rezone increases the trip generation potential of the property, then additional analysis and review is required to show that a significant effect does not occur, or that appropriate mitigation is provided with the rezone.

City of La Pine Development Code (LPDC) section 15.24.200(C) describes the existing *Public Facility* zoning district as follows:

The PF zone is intended to provide areas for large-scale public facility and utility uses that require separation from residential and commercial uses. Additionally, the PF zone accommodates industrial uses that are compatible with large-scale public facilities.

City of La Pine Development Code (LPDC) section 15.24.200(C) describes the proposed *Commercial Mixed-Use* (CMX) zoning district as the following:

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.

Table 1 contains a comparison of permitted uses within the two zones.

Memorial Lane Rezone

Table 1. Permitted Uses within La Pine Zoning Districts

Existing Public Facilities Zone	Proposed Commercial Mixed-Use Zone
<ul style="list-style-type: none"> • Self-Service Storage • Artisanal and Light Manufacturing • General Manufacturing and Production • Wholesale Sales • Warehouse and Freight Movement • Basic Utilities • Forestry • Wireless Telecommunication Facilities 	<ul style="list-style-type: none"> • Single-family dwelling • Cottage cluster development • Townhome • Duplex • Multi-family development • Manufactured dwelling • Manufactured dwelling park • Accessory dwelling unit • Residential care home • Residential care facility • Commercial Lodging • Commercial Parking • Commercial Recreation • Eating and Drinking Establishments • Marijuana Dispensary • Office • Self-Service Storage • Basic Utilities • Colleges • Community Services • Daycare Centers • Parks and Open Areas • Religious Institutions • Schools • Agriculture • Forestry

TRIP GENERATION COMPARISON

Existing Zoning Potential

Development of an analysis scenario for the existing zoning designation will require a reasonable worst-case assumption for development from the outright permitted uses. With the *Public Facility* designation, review of the allowable land uses shows that a reasonable “worst-case” development scenario would be development of the property with *General Manufacturing* uses. This land use is best described by the Institute of Transportation Engineers (ITE) standard reference *Trip Generation, 10th Edition* with Land Use Category 140:

A manufacturing facility is an area where the primary activity is the conversion of raw materials or parts into finished products. Size and type of activity may vary substantially from one facility to another. In addition to the actual production of goods, manufacturing facilities generally also have office, warehouse, research, and associated functions.

Manufacturing facilities are typically more land intensive single-story buildings. While employee parking is limited, these facilities typically require expansive access areas to accommodate trucks. An assumed Floor-

Memorial Lane Rezone

to-Area-Ratio (FAR) of 0.30 was applied to the overall site, which would result in a 61,500 overall square-feet of building space.

Proposed Zoning Potential

As described in the LPDC, the proposed zoning has a very broad range of potential development options allowing market demands to influence development. With the location of the site adjacent to La Pine High School uses such as a dispensary would not be allowed, and commercial uses would be limited in size and scale to support the surrounding “off-highway” market. This could include small coffee or dining options, with much of the trips associated with this use traveling from the adjacent school or pass-by trips from Huntington Road.

Within this zoning various types of commercial uses would be allowed. This could include small restaurant or café space, general or medical office, with more general retail sales/service only allowed as a conditional use. With the location along Huntington Road it was assumed that the site would contain a single restaurant comprising 0.7 acres, with the remaining 4.0 acres split with a mix of medical office and multifamily residential uses. While more intense scenarios could be prepared with multiple on-site restaurants, this was not considered a *reasonable* scenario given surrounding land use patterns.

Land use scenario assumptions:

- Restaurant: 0.7 acres (based on similar sized restaurant and parking areas)
- Medical office: FAR of 0.20 on two acres to support parking demands
- Multifamily: Overall density of 25 units per acre on two remaining acres

Trip generation estimates were prepared based on the development scenarios summarized above and are presented below in Table 2. These trip generation estimates reflect the current edition of the Institute of Transportation Engineers’ (ITE) standard reference *Trip Generation Manual* (ITE 10th Edition).

Table 2. Trip Generation Estimates (ITE 10th Edition)

Land Use	ITE Code	Metric	Weekday Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
Current Zoning						
Manufacturing	140	61,500 SF	242	41	13	28
Proposed Zoning						
High-Turnover (Sit-Down) Restaurant	932	4,000 SF	449 -193	39 -17	24 -10	15 -6
Medical-Dental Office	720	21,780 SF	758	75	21	54
Multifamily Housing (Low-Rise)	221	50 Units	366	28	18	10
Total Trips			1,573	142	63	79
Pass-by Trips			-193	-17	-10	-6
Net New Trips			1,380	126	53	73
Trip Difference (Proposed – Existing)						
Change in Trips			+1,138	+85	+40	+45

Memorial Lane Rezone

As summarized in Table 2, the rezone increases the trip generation potential of the site on both a daily and weekday p.m. peak hour basis. This will require additional analysis to show that a “significant impact” does not occur.

TRIP DISTRIBUTION AND ASSIGNMENT

Trip distribution from the site is expected to reflect a regional pattern regardless of the zoning designation. Both employment and residential trips will have similar regional distribution patterns, and neighborhood commercial uses will generally only serve the surrounding area.

The trip distribution patterns for employment and industrial uses were developed based on current turning movement patterns collected at Memorial Lane. These counts reflect the medical and residential uses, both of which are expected to reflect the non-commercial trips of the site. The commercial trip distribution patterns were separately developed based on the existing travel pattern for trips using Huntington Road, which are almost evenly split between northbound and southbound travel.

These two patterns are illustrated in Figure 2, along with the assignment of the trip difference onto the transportation system. This shows that any potential system impacts will only occur at the Huntington Road/Memorial Lane intersection, the signalized 1st Street/Huntington Road intersection, or the signalized Huntington Road/Burgess intersection; beyond these locations the traffic impacts are minimal.

STUDY INTERSECTIONS

Based on the trip assignment shown in Figure 2 it is proposed that the following three intersections be included as *Study Intersections*:

- Huntington Road/Burgess Road
- Huntington Road/Memorial Lane
- Huntington Road/1st Street

ADOPTED TRANSPORTATION PLANS

The long-range analysis that is conducted as part of a zone change is intended to identify whether changes need to occur within the agency’s adopted Transportation System Plan so that transportation facilities continue to support their intended role and function. The study intersections only include intersections within the City of La Pine and Deschutes County and therefore should only be required to assess conditions consistent with the (longer) horizon year of the adopted Transportation System Plan (2032).

City of La Pine standards are identified within the Transportation System Plan. This identify a volume-to-capacity ratio of 0.90 or better and Level of Service “D” for signalized and all-way stop-controlled intersections, and a volume-to-capacity ratio of 0.90 and Level of Service “E” for the critical movement at unsignalized intersections.

Memorial Lane Rezone

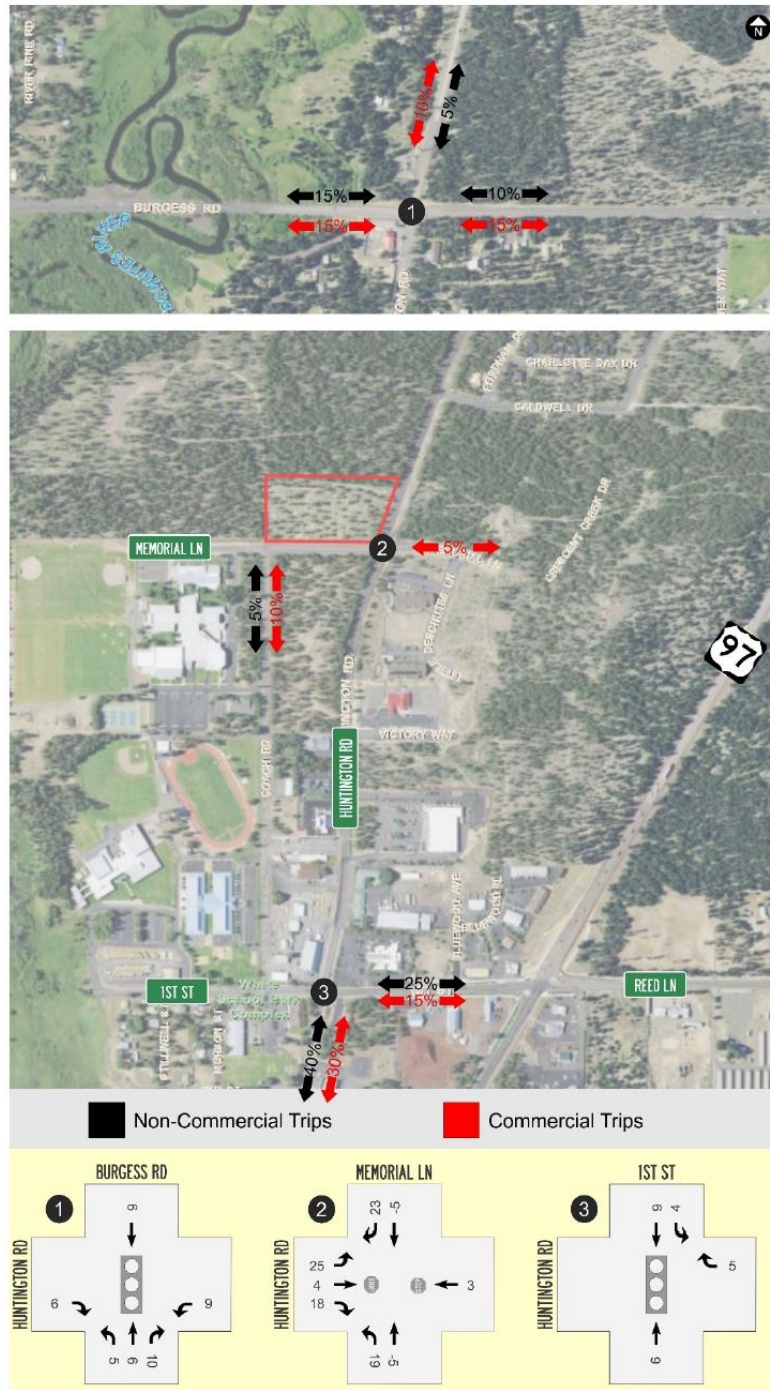


Figure 2. Estimated Trip Distribution Pattern and Assignment, Weekday PM Peak Hour.

Memorial Lane Rezone

TRAFFIC OPERATIONS

Operations Standards

The City of La Pine Transportation System Plan (Appendix 2) outlines the City operational requirements for intersections. Performance standards in the City of La Pine vary based on intersection control type as summarized below:

- LOS “D” and a volume-to-capacity ratio less than 0.90 for signalized and all-way stop-controlled intersections.
- LOS “E” and a volume to capacity ratio less than 0.90 for the critical movement at unsignalized and at roundabout – controlled intersection.
- A queuing analysis must be performed to assess whether existing turn lane storage is adequate to accommodate 95th percentile vehicular queuing during the peak hour.

Study intersections, traffic control, roadway jurisdiction, and operational standards (or mobility targets) throughout the study area are summarized in Table 3.

Table 3. Study Area Intersection Operational Standards

Intersection	Traffic Control	Jurisdiction	Performance/ Mobility Standard
1: Huntington Road / Burgess Road	Signalized	City of La Pine	LOS “D” or Better v/c < 0.90
2: Huntington Road / Memorial Lane	Two-Way Stop-Control	City of La Pine	LOS “E” or Better v/c < 0.90
3: Huntington Road / 1 st Street	Signalized	City of La Pine	LOS “D” or Better v/c < 0.90

Year 2019 Existing Traffic Conditions

The existing traffic conditions reflect the current operations throughout the study area during the weekday p.m. peak hour. This analysis is used to calibrate operational models to field conditions, and in conjunction with historical safety information is intended to help understand and prioritize transportation system improvement needs. Study area intersections and roadways were visited and inventoried in November 2019 to observe current intersection control configurations and operations.

Traffic counts were collected throughout the study area in March 2019. These counts reflect typical conditions on surrounding roads with area schools in session. The counts on 1st Street and Burgess Road included an extended time period from 2:00 p.m. to 6:00 p.m. to capture the impact of the nearby schools. Figure 3 illustrates the existing counts throughout the study area intersections.

Memorial Lane Rezone

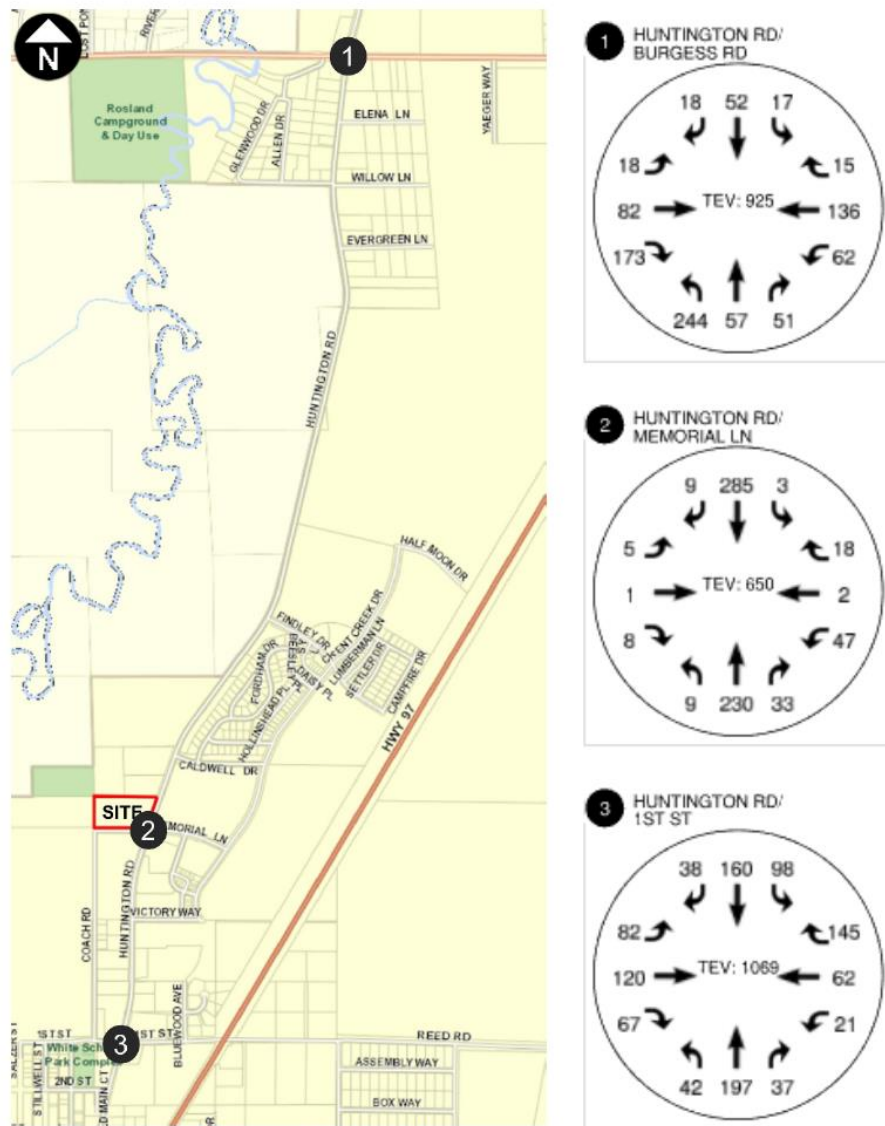


Figure 3. Year 2019 Existing Traffic Volumes Weekday PM Peak Hour

Memorial Lane Rezone

Table 4. Year 2019 Existing Conditions Intersection Operations Summary, Weekday PM Peak Hour

Intersection	Performance Standard	LOS	Delay (s)	v/c Ratio	95% Queue	Acceptable?
1: Huntington Road / Burgess Road	LOS "D" or Better, or v/c < 0.90	LOS B	12.0 s	0.49	EB L: 25 ft EB T: 75 ft EB R: 50 ft WB L: 75 ft WB TR: 100 ft NB L: 125 ft NB TR: 50 ft SB L: 25 ft SB TR: 50 ft	Yes
2: Huntington Road / Memorial Lane	LOS "E" or Better v/c < 0.90	WB LOS C	15.1 s	0.17	WB LTR: 25 ft	Yes
3: Huntington Road / 1 st Street	LOS "D" or Better v/c < 0.90	LOS B	10.8 s	0.33	EB L: 50 ft EB TR: 75 ft WB L: 25 ft WB TR: 50 ft NB L: 25 ft NB TR: 75 ft SB L: 50 ft SB TR: 75 ft	Yes

Traffic Forecasts

Traffic forecasts are prepared to assess the impact of the ODOT does not maintain a specific regional travel demand model for La Pine. The City is located in the southern boundary of the Deschutes County model, providing less accurate results and a low model resolution. Similar to the analysis provided within the City’s Transportation System Plan, an annual growth factor was applied throughout the City to assess projected future needs.

Review of Automatic Traffic Recorder data for the past ten years at the south edge of Bend shows that growth in US 97 travel has averaged 2.3-percent annually. This growth rate is slightly higher than was assumed in the adopted Transportation System Plan (the TSP assumed 2 percent annual growth) but reflects much of the post-recession travel increases in the system that may not be sustainable over a long-term planning horizon.

The forecasts also include manual input of traffic from the submitted *The Reserve in the Pines* subdivision as these trips would not be reflected based on direct application of a growth rate to the existing counts. A summary of the existing peak hour traffic volumes, future (existing zoning) volumes, and “with rezone” volumes are shown in Figure 3.

Planned and Funded Projects

The primary project planned near the study area is the grade-separation of the Burlington-Northern Santa Fe mainline railroad at the Wickiup Junction that was intended to grade-separate the railroad crossing. Due to foundation settlement issues this project is currently on hold, and ODOT has funded a separate study to

Memorial Lane Rezone

consider other improvement options in this area. The ODOT project website¹ identifies the following project components:

- Refinement Planning Study (\$295,000)
- Preliminary Engineering (\$700,000)
- Right-of-Way (\$200,000)
- Construction Phase (\$500,000)

The construction phase is planned to include illumination at Rosland Road and Burgess Road, with remaining funding applied towards needs identified in the refinement plan. It is unclear if additional funding will be made available for construction of any identified improvements following completion of the refinement plan.

Year 2032 Existing Zoning Conditions

An assessment of current year 2032 projections was prepared to identify how the surrounding area roadways and intersections will operate if no changes are made to the zoning. This scenario includes the impact of funded projects and traffic from approved developments and is used as the basis of comparison to conditions with the proposed rezone.

Figure 4 illustrates the travel forecasts in the area with the current zoning designation of the property and Table 5 summarizes the forecast traffic conditions. The operational analysis shows that in the future horizon year all of the study area intersections will operate acceptably.

This scenario shows that even without the rezone the westbound approach of Memorial Lane is beginning to experience high delays. These delays are a result of most trips at the intersection turning left to travel south back into the City core area. The City is working to develop additional roadway connections south to 1st Street through the Bluewood Avenue corridor to help relieve these demands, likely as an extension of Crescent Creek Drive through the County-owned properties.

¹ Source: https://www.oregon.gov/odot/projects/pages/project-details.aspx?project=Wickiup_Refinement_Plan

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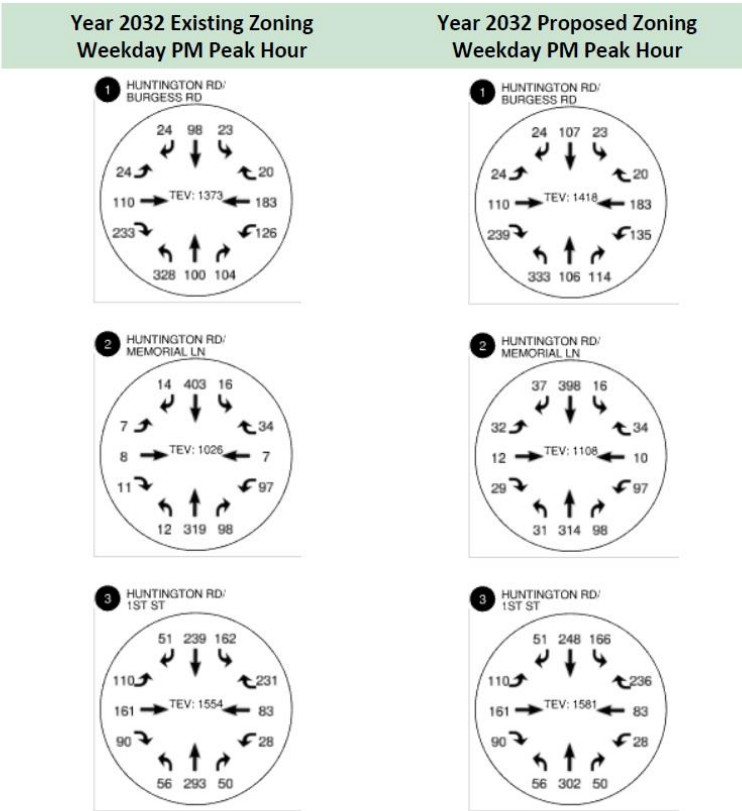
Table 5. Intersection Operations Summary, Weekday PM Peak Hour

Intersection	Performance Standard	Year 2032 Existing Zoning Conditions				Year 2032 Proposed Zoning Conditions				Acceptable?
		LOS	Delay (s)	v/c Ratio	95% Queue	LOS	Delay (s)	v/c Ratio	95% Queue	
1: Huntington Rd/ Burgess Road	LOS "D" or Better, or v/c < 0.90	LOS B	18.0 s	0.67	EB L: 50 ft EB T: 75 ft EB R: 50 ft WB L: 150 ft WB TR: 125 ft NB L: 250 ft NB TR: 75 ft SB L: 25 ft SB TR: 75 ft	LOS B	19.2 s	0.68	EB L: 50 ft EB T: 75 ft EB R: 50 ft WB L: 150 ft WB TR: 125 ft NB L: 250 ft NB TR: 75 ft SB L: 25 ft SB TR: 75 ft	Yes
2: Huntington Rd/ Memorial Lane	LOS "E" or Better v/c < 0.90	WB LOS E EB LOS C	37.5 s 18.6 s	0.59 0.10	WB LTR: 100 ft EB LTR: 25 ft	WB LOS F EB LOS D	52.6 s 25.8 s	0.71 0.32	WB LTR: 125 ft EB: 50 ft	No
3: Huntington Rd/ 1 st Street	LOS "D" or Better v/c < 0.90	LOS B	14.2 s	0.54	EB L: 75 ft EB TR: 100 ft WB L: 25 ft WB TR: 75 ft NB L: 50 ft NB TR: 150 ft SB L: 100 ft SB TR: 125 ft	LOS B	12.6 s	0.43	EB L: 75 ft EB TR: 100 ft WB L: 25 ft WB TR: 75 ft NB L: 50 ft NB TR: 150 ft SB L: 100 ft SB TR: 125 ft	Yes

Memorial Lane Rezone



Figure 4. Study Intersections



Memorial Lane Rezone

Year 2032 Proposed Zoning Conditions

Year 2032 scenario with the proposed rezone shows an incremental increase in the opposing westbound approach delays at Memorial Drive. Due to the traffic volumes on Huntington Road the long-term operations from the Quadrant Plan lands on the east side of Huntington Road will experience high delays for the left-turn movements as the area fully builds out.

Mitigation Options

There are several options that could be provided to mitigate these long-term conditions, with the preferred option being the completion of parallel north-south connections as previously identified in County plans (see Figure 5). Right-of-way is already provided throughout the area to support these new connections, allowing local trips to disperse between the various east-west connections. In addition, as the subject property (or as the Reserve in the Pines) is developed Huntington Road will be widened to a three-lane cross-section, providing new center left-turn lanes to separate through and turning traffic.

If delays along Huntington Road increase traffic from the proposed development site will shift onto Coach Road. This parallel route is already in place connecting Memorial Lane west of Huntington Road to area schools and south to services. Other than completion of the local grid network, no additional improvements are recommended to support the rezone. As these improvements are already identified and nearly all necessary right-of-way is available for these connections this is not considered a change to the planned transportation system but rather reflects the required build-out of the planned system that is necessary to support area growth.

The operations analysis shows that with center left-turn lanes along Huntington Road it would only require that 10 of the 97 projected left-turns at Memorial Lane shift south to Victory Way or down the Bluewood Avenue corridor to 1st Street. This rerouting will easily be accommodated as the planned local street connections are made.

Memorial Lane Rezone

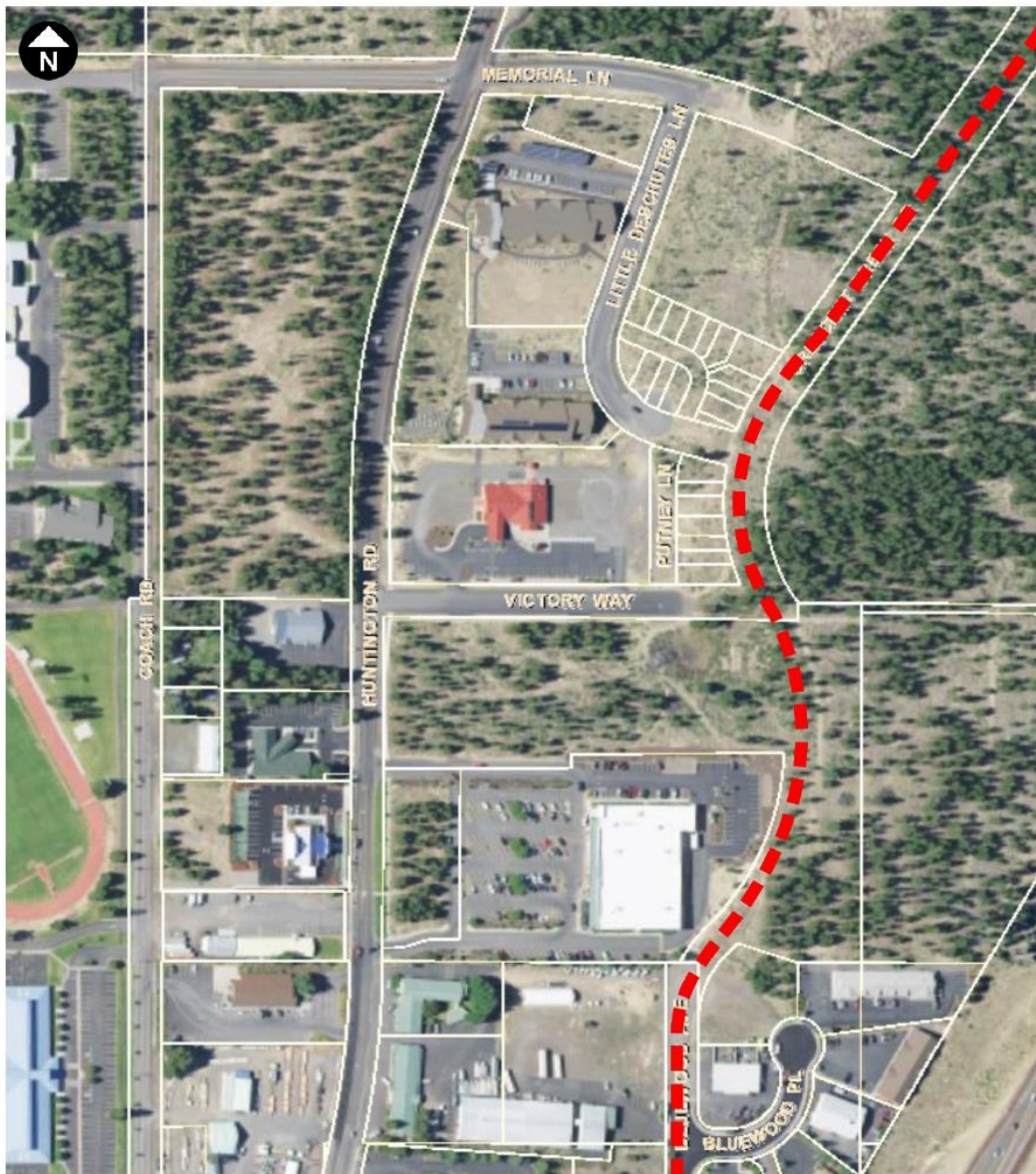


Figure 5. Crescent Creek – Bluewood Avenue connection.

Memorial Lane Rezone

TRANSPORTATION PLANNING RULE COMPLIANCE

OAR Section 660-012-0060 of the Transportation Planning Rule (TPR) sets forth the relative criteria for evaluating plan and land use regulation amendments. Table 2 summarizes the criteria in Section 660-012-0060 and the applicability to the proposed rezone application.

Table 6. Summary of Criteria in OAR 660-012-0060

Section	Criteria	Applicable?
1	Describes how to determine if a proposed land use action results in a significant impact.	Yes, see response below
2	Describes measures for complying with Criterion #1 where a significant impact is determined.	No
3	Describes measures for complying with Criteria #1 and #2 without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility.	No
4	Determinations under Criteria #1, #2, and #3 are coordinated with other local agencies.	Yes (Application will require coordination with Deschutes County)
5	Indicates that the presence of a transportation facility shall not be the basis for an exception to allow development on rural lands.	No
6	Indicates that local agencies should credit developments that provide a reduction in trips.	No
7	Outlines requirements for a local street plan, access management plan, or future street plan.	No
8	Defines a mixed-use, pedestrian-friendly neighborhood.	No
9	Outlines requirements under which a local government may find that an amendment to a zoning map does not significantly affect an existing and planned transportation facility.	No
10	Outlines requirements under which a local government may amend a plan without applying performance standards related to motor vehicle traffic congestion, delay or travel time.	No
11	Outlines requirements under which a local government may approve an amendment with partial mitigation.	No

As indicated in Table 6, there are eleven criteria that apply to Plan and Land Use Regulation Amendments. Of these, Criteria #1 and #4 are applicable to the proposed land use action. These criteria are provided below in italics with responses shown in standard font.

Memorial Lane Rezone

OAR 660-012-0060 (1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule, to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume-to-capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

(A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standard identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standard identified in the TSP or comprehensive plan.

Response: This review shows that the proposed rezone does not create a significant impact on the surrounding transportation. High delays for left-turns are experienced at the stop-sign controlled approaches to Huntington Road long term; the appropriate mitigation is to provide parallel local street connections south. The City (and County) identified this need within the area's Quadrant Plan, and right-of-way is available along Crescent Creek Drive to support this required roadway ("Central Collector"). The City is obtaining right-of-way to further extend this route to 1st Street along the Bluewood Avenue alignment.

On the west side of Huntington Road this parallel system is already provided by Coach Road. The proposed property will have access to this alternative route, and the eastbound connection to the site will operate acceptably long-term. Accordingly, no additional changes or mitigation measures are recommended. As the necessary improvements are already included within adopted plans a significant affect does not occur.

NEXT STEPS

I trust that this report provides adequate information to support the proposed rezone of the Memorial Lane property from the City's *Public Facilities* designation to the *Commercial Mixed-Use* designation. Thank you for your time and assistance, please let me know if you have any questions related to this project at (503) 997-4473 or via email at joe@transightconsulting.com.



Date:	May 21, 2020
To:	Tammy Wisco
From:	Joe Bessman, PE
Project Reference No.:	1353
Project Name:	Memorial Lane Rezone



The purpose of this memorandum is to identify potential mitigation options for the finding of a significant impact associated with the proposed rezone of the 4.70-acre parcel located on the west side of Huntington Road immediately north of Memorial Lane. As outlined within the December 13, 2019 analysis the inclusion of trips from the master planned Reserve in the Pines development and recently constructed affordable housing project coupled with increasing traffic from the west side of Huntington Road results in the Huntington Road/Memorial Lane intersection exceeding the City’s adopted performance thresholds in the year 2032 planning horizon.

Within Section (2) of the Transportation Planning Rule section on Plan and Land Use Regulation Amendments (OAR 660-12-0060) there are five options available to mitigate the finding of a significant impact:

- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
- (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.
- (c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- (d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.
- (e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, providers at other locations being improved provide written statements of approval, and the local jurisdiction provides written statements of approval.

Memorial Lane Rezone

Consistent with option (d), there are two mitigation measures that were identified within the traffic study, either of which could address this finding of a significant impact:

- Crescent Creek Drive could be extended south to 1st Street. By providing a direct connection to 1st Street there are less conflicting westbound left-turns at Memorial Lane, allowing the intersection to operate acceptably.
- Capacity improvements could be provided directly at the Huntington Road/Memorial Lane intersection in the form of a traffic signal or roundabout. Based on discussions with City staff and the City's draft Capital Improvement Program list the preference at this location is for a roundabout. This is expected to be a recommendation of the on-going Wickiup Refinement Plan that is currently underway.

In addition to these mitigation options of constructing "minor" transportation improvements, Option (b) also allows this finding of a significant impact to be mitigated through updates to the draft plans. If the City adopts the draft recommendation to include a roundabout at the Huntington Road/Memorial Lane intersection through its Capital Improvement Program or as part of the Wickiup Refinement Plan along with a funding mechanism (such as a Transportation System Development Charge) this would also constitute adequate mitigation for the finding of a significant impact and future contributions of development would help to pay for these improvements. However, these plans are not adopted at this time, and if approved by the City would likely not be adopted until early fall 2020.

No development of the subject property is proposed at this time, nor is any development anticipated prior to 2021. In addition, while the rezone provides the potential to increase trips on the transportation system the rezone without a commensurate development application provides no additional impacts. To provide an equitable and scaled mitigation measure that contributes to the area's long-term needs, the following is recommended as a condition of rezone approval:

Option 1: Initiate a Trip Cap

If a trip cap were initiated on the property at a level that allowed the intersection of Huntington Road/Memorial Lane to operate acceptably the finding of a significant impact would not occur as shown in the "worst-case" scenario. Based on a sensitivity analysis of year 2032 conditions, this trip cap should be established at 90% of the "worst-case" trip generation scenario, or 113 net new weekday p.m. peak hour trips. The following conditions could support compliance with the TPR:

- To eliminate the finding of a significant impact, the subject property should be limited to generate no more than 113 weekday p.m. peak hour trips. At this level of trips the intersection is shown to operate acceptably per City of La Pine standards. This "trip cap" should be enforced through submittal of a debiting letter with any subsequent land use applications as an enforceable, ongoing requirement as allowed within subsection (1)(c).
- In order to remove the trip cap, one of the following will be required:
 - Capacity improvements must be installed at the intersection by the applicant or others. With installation of capacity improvements (such as a traffic signal or roundabout) the finding of a significant impact will be mitigated.
 - The City of La Pine must amend its Transportation System Plan and/or Capital Improvement Plan to identify the need for capacity improvements at the Huntington Road/Memorial Lane intersection. In addition, a funding plan or mechanism must be established to ensure that the improvement is provided by the end of the planning period. This is satisfied with the inclusion of the project on an SDC or similar list.

Memorial Lane Rezone

- Right-of-way at the Huntington Road/Memorial Lane intersection should be provided to the City of La Pine (or other parties responsible for its construction) to support the preferred long-term intersection capacity treatment.

As the trip cap “may diminish or completely eliminate the significant effect of the amendment” a pro-rata or other type of funding would be unnecessary with the rezone application.

Option 2: Provide “Other Measures as a Condition of Development”

Subsection (2)(d) of the TPR allows “Other measures as a condition of development or through a development agreement or similar funding method, including but not limited to transportation system management measures or minor transportation improvements. As the installation of a traffic signal at the intersection could cost approximately \$500,000 (with turn lane widening) and a roundabout could cost \$2,200,000, either project serves a more regional purpose and would be unfairly applied to the subject property. As an “other measure or condition” it is requested that pro-rata funding be applied toward the long-term intersection needs. The following conditions could support compliance with the TPR:

- Right-of-way at the Huntington Road/Memorial Lane intersection should be provided to the City of La Pine (or other parties responsible for its construction) to support the preferred long-term intersection capacity treatment.
- A pro-rata payment should be provided to the City of La Pine as part of future development applications. This should be based on a total projected volume of 1,108 weekday p.m. peak hour trips with the rezone, with the subject property contributing up to 82 more trips in a comparative “worst-case” development scenario (for a total of 126 weekday p.m. peak hour trips).
 - Roundabout improvement cost of \$2,200,000
 - Rezone Contribution of 7.4% (+82 / 1,108 PM trips)
 - Rezone Cost of \$162,816
 - Per Trip fee of \$1,292.19 (\$162,816 / 126 total PM trips)
- In order to remove the trip cap, one of the following will be required:
 - Capacity improvements must be installed at the intersection by the applicant or others. With installation of capacity improvements (such as a traffic signal or roundabout) the finding of a significant impact will be mitigated.
 - The City of La Pine must amend its Transportation System Plan and/or Capital Improvement Plan to identify the need for capacity improvements at the Huntington Road/Memorial Lane intersection. In addition, a funding plan or mechanism must be established to ensure that the improvement is provided by the end of the planning period. This is satisfied with the inclusion of the project on an SDC or similar list.

This Option could be beneficial to the project should development levels beyond the trip cap be desired by the applicant prior to the City amending its Transportation System Plan or should future plans exclude this specific project from its finance plan. The City would need to find that the payments would adequately offset the impact of the proposed rezone.

NEXT STEPS

I trust that these supplemental materials provide the City of La Pine with adequate information to show that the proposed rezone complies with the transportation planning rule. Please let me know if you have any additional questions or comments at (503) 997-4473 or via email at joe@transightconsulting.com.

Attachments: Level of Service Worksheets

HCM 6th TWSC
2: Huntington Rd & Memorial Ln

90% Trip Cap
Horizon Year Weekday PM Peak Hour

Intersection												
Int Delay, s/veh	7.9											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕		↕	↕		↕	↕	
Traffic Vol, veh/h	28	12	25	97	9	34	28	315	98	16	399	34
Future Vol, veh/h	28	12	25	97	9	34	28	315	98	16	399	34
Conflicting Peds, #/hr	1	0	0	0	0	1	3	0	2	2	0	3
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	75	-	-	75	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	90	90	90	90	90	90	90	90	90	90	90	90
Heavy Vehicles, %	20	0	12	11	50	0	11	6	6	0	2	0
Mvmt Flow	31	13	28	108	10	38	31	350	109	18	443	38

Major/Minor	Minor2		Minor1			Major1			Major2			
Conflicting Flow All	993	1024	465	988	989	408	484	0	0	461	0	0
Stage 1	501	501	-	469	469	-	-	-	-	-	-	-
Stage 2	492	523	-	519	520	-	-	-	-	-	-	-
Critical Hdwy	7.3	6.5	6.32	7.21	7	6.2	4.21	-	-	4.1	-	-
Critical Hdwy Stg 1	6.3	5.5	-	6.21	6	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.3	5.5	-	6.21	6	-	-	-	-	-	-	-
Follow-up Hdwy	3.68	4	3.408	3.599	4.45	3.3	2.299	-	-	2.2	-	-
Pot Cap-1 Maneuver	208	237	577	218	205	648	1034	-	-	1111	-	-
Stage 1	520	546	-	558	488	-	-	-	-	-	-	-
Stage 2	526	534	-	524	461	-	-	-	-	-	-	-
Platoon blocked, %								-	-	-	-	-
Mov Cap-1 Maneuver	181	225	575	191	195	646	1031	-	-	1109	-	-
Mov Cap-2 Maneuver	181	225	-	191	195	-	-	-	-	-	-	-
Stage 1	503	536	-	540	472	-	-	-	-	-	-	-
Stage 2	470	517	-	478	452	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	24.3	47.7	0.5	0.3
HCM LOS	C	E		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1031	-	-	258 231	1109	-	-
HCM Lane V/C Ratio	0.03	-	-	0.28 0.673	0.016	-	-
HCM Control Delay (s)	8.6	-	-	24.3 47.7	8.3	-	-
HCM Lane LOS	A	-	-	C E	A	-	-
HCM 95th %tile Q(veh)	0.1	-	-	1.1 4.3	0	-	-



May 27, 2020

City of La Pine Planning Commission
16345 Sixth Street — PO Box 2460
La Pine, Oregon 97739

Re: Comprehensive Plan Map Amendment and a Zoning Map Amendment to change the designation and zone of the subject property from Public Facility (PF) to Commercial Mixed-Use (CMX). (03CA/ZC-19)

Dear Planning Commission Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, and as indicated on the Staff Report, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

The staff report for local file number 03CA/ZC-19 recommends its approval. This recommendation is contingent on the Goal 10 findings contained within the report, stating that since "the proposed CMX Zone allows for a wide range of both commercial and residential uses" it complies with Goal 10. However, potential for more housing options does not yield automatic Goal 10 compliance. For example, was the proposed property listed as buildable within the BLI before the amendment? What housing types (diverse housing options) does La Pine need, what is the city's progress in fulfilling those needs, and how does the amendment effect/change this need



and progress? In summary, if the land is coming into a potential residential use, the findings should illustrate that potential. Goal 10 findings must demonstrate that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Further, the City should reference its HNA and BLI in order to provide an adequate factual basis for Goal 10 findings. Only with a complete analysis showing any gain in needed housing as dictated by the HNA and compared to the BLI, can housing advocates and planners understand whether the City is achieving its goals through local planning file number 03CA/ZC-19.

HLA and FHCO urge the Commission to defer approval of local file number 03CA/ZC-19 until adequate Goal 10 findings can be made, and the proposal fully evaluated under the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in black ink that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

/s/ Jennifer Bragar

Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)

Neighborhood Contact Notification

Pursuant to Section 15.202.050 of the La Pine Development Code

Date: Thursday, February 6, 2020
Time: 2:00 pm
Location: La Pine Senior Center
 Quilt Room
 16450 Victory Way
 La Pine, OR 97739

Applicant:
 K Huntington LLC

Proposal:
 The applicant will be submitting a Comprehensive Plan Map Amendment and Zone Change Application to the City of La Pine, to change the designation and zone of the 4.7 acre property from Public Facilities (PF) to Commercial Mixed Use (CMX). The proposal includes map amendments only; no development is planned at this time

Location:



The subject property is located on the west side of Huntington Road, north of Memorial Lane. The property does not have an address but is identified as Tax Lot 100 on the Deschutes County Tax Assessor's Map 22-10-11CB.

Contact Information:
 Greg Blackmore / Blackmore Planning and Development Services, LLC /
 greg@blackmoreplanning.com



CITY OF LA PINE
Neighborhood Contact Certification

Meeting Date: 02/06/2020
Meeting Location: La Pine Senior Activity Center
Project Location: BLANKET DESIGN
Type of Land Use Application: Comp Plan Map Amendment and Zone Change
Description of Proposal: Map Amends

PRESENT AT MEETING:

Name(s) & Addresses	Email/Phone
Developer(s): <u>Blackmore Planning & Real Estate Services LLC</u>	<u>gmg@blackmoreplanning.com</u>
Agent: <u>Greg Blackmore 1854 Sension Wy Bend, OR 97002</u>	<u>541-481-1475</u>

Architect(s): _____

Engineer(s): _____

Business(es): _____

Neighbor(s): Please include a sign in sheet with all submittals

CONCERNS STATED AT MEETING:

- None
Questions about process, timing, traffic


Signature of Developer/Representative

Greg Blackmore
Printed Name

02/06/2020
Date

From: Erik Huffman <ehuffman@beconeng.com>
Subject: Diameter needed for roundabout at memorial - huntington
Date: May 28, 2020 at 12:00:05 PM PDT
To: Tammy Wisco <twisco@retiaconsult.com>

Hi Tammy, we will need a dedication of right of way on the subject property for a circle 200 feet diameter and centered on the intersection of the centerlines of Memorial and Huntington. Thanks, - Erik

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

**CITY OF LA PINE PLANNING DIVISION
Staff Report to Planning Commission
Plan Amendment/Zone Change**

File Nos. 03CA-19 & 03ZP-19

- OWNER/APPLICANT:** K Huntington LLC
c/o Kodiak Malmstrom
409 NE Greenwood Avenue, Suite 200
Bend, OR 97701
- ENGINEER:** HWA
Grant Hardgrave, PE
62930 O.B. Riley Road, Suite 100
Bend, OR 97701
- TRAFFIC ENGINEER:** Transight Consulting, LLC
Joe Bessman, Principal
61271 Splendor Lane
Bend, OR 97702
- LAND USE CONSULTANT:** Blackmore Planning and Development Services, LLC
Greg Blackmore, Principle Planner
19454 Sunshine Way
Bend, OR 97702
- LOCATION:** The subject property does not have an assigned address but is identified as tax lot 100 on Deschutes County Assessor's Map 22-10-11CB. It is located northwest of the intersection of Huntington Road and Memorial Lane.
- REQUEST:** The applicant is requesting a Comprehensive Plan Map Amendment and a Zoning Map Amendment to change the designation and zone of the subject property from Public Facility (PF) to Commercial Mixed-Use (CMX).

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

City of La Pine Development Code

- Article 3 – Zoning Districts
 - Chapter 15.22 – Commercial and Mixed-Use Zones
 - Chapter 15.24 – Industrial and Public Facility Zones
- Article 5 – Development Standards
 - Chapter 15.90 – Public Facilities
 - Section 15.90.080 – Traffic Impact Analysis
- Article 7 – Procedures
 - Chapter 15.202 – Summary of Application Types and General Provisions
 - Chapter 15.204 – Application Procedures
- Article 8 – Applications and Reviews
 - Chapter 15.334 – Text and Map Amendments

La Pine Comprehensive Plan

City of La Pine Transportation System Plan (TSP)

Oregon Administrative Rules (OAR)

- Chapter 660 – Land Conservation and Development
 - Division 12 (660-012) – Transportation Planning
 - Division 15 (660-015) – Statewide Planning Goals and Guidelines

II. FINDINGS OF FACT:

LOCATION: The subject property does not have an assigned address but is identified as tax lot 100 on Deschutes County Assessor’s Map 22-10-11CB. It is located northwest of the intersection of Huntington Road and Memorial Lane.



ZONING: The subject property is currently within the Public Facility (PF) Zone and is designated Public Facility in the City of La Pine Comprehensive Plan.

SITE DESCRIPTION & SURROUNDING USES: The property is approximately 4.7 acres in size, is trapezoidal in shape, and has frontage on Huntington Road to the east and Memorial Lane to the south. The property is undeveloped and contains natural vegetation.

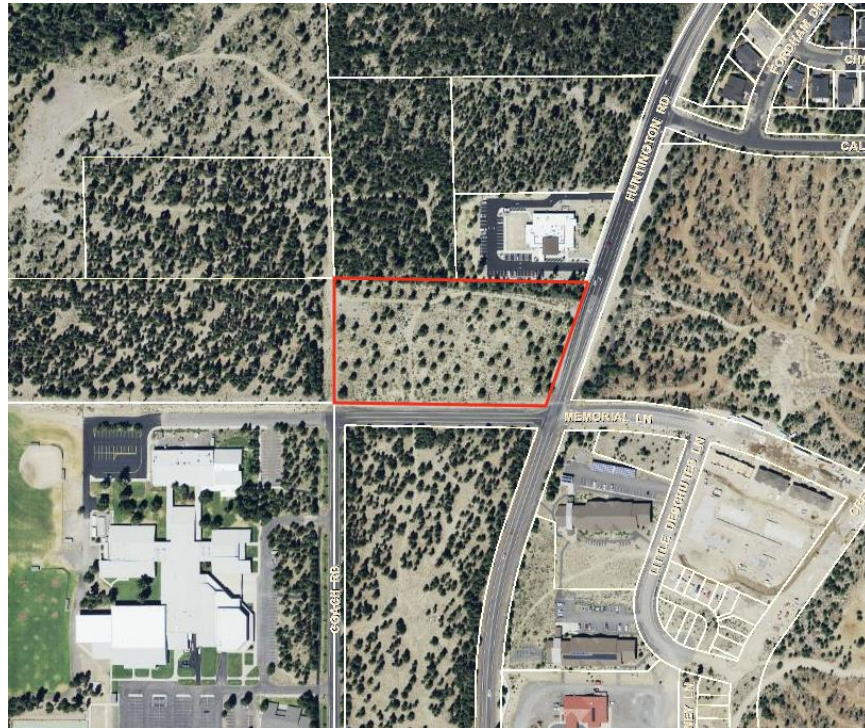
Surrounding Zoning:

Two tax lots to the north (east) are zoned Commercial Mixed-Use (CMX). A recent Plan Amendment and Zone Change approval¹ resulted in a portion of the property across Huntington Road to the east also zoned CMX. Further east and northeast are properties in the Residential Master Plan (RMP) Zone. Properties to the southeast across the road intersection, to the north (west), west, and southwest are in the Public Facility (PF) Zone. The property to the south is in the Commercial/Residential Mixed-Use (CRMX) Zone.

¹ 02CA/ZC-19. A related proposal (File Nos. 01QP-19, 02SUB-19) for a Subdivision and Quadrant Plan would divide this area in the CMX Zone into two lots.

Surrounding Development:

The property to the north (east) is developed with the St. Charles Family Care Clinic. Further to the northeast and across Huntington Road is the Crescent Creek residential subdivision. To the southeast is the Little Deschutes Lodge, an affordable housing development for seniors, as well as a Habitat for Humanity subdivision, affordable housing apartments, and a senior center. To the southwest is a property owned by the Bend-La Pine Schools district, containing the La Pine Elementary, Middle, and High Schools.



LOT LEGALITY: The subject property is Lot 1 of the Newberry Neighborhood subdivision and is therefore a legal lot.

PUBLIC NOTICE AND COMMENTS: Notice of the application and public hearing was mailed to neighbors within 250 feet, to the Crescent Creek Homeowners Association, the Planning Commission and to the City’s standard agency notice list on 4/27/20. Notice was posted in the local paper, *Wisebuys*, in the 5/5/20 weekly edition. No public comments were received.

AGENCY/DEPARTMENT COMMENTS: Notice of the application and public hearing was sent to the City’s standard agency notice list on 4/27/20. Notice was provided to DLCD via the PAPA online submittal website on 4/17/20.

III. APPLICATION OF THE CRITERIA:

CONFORMANCE WITH CITY OF LA PINE DEVELOPMENT CODE

Article 3 – Zoning Districts

- 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 amending the Comprehensive Plan Map and Zoning Map designations of an approximately 4.7-acre property to change from Public Facility (PF) to Commercial Mixed-Use (CMX). No specific development is proposed at this time. Future proposals will be reviewed for conformance with the La Pine Development Code when specific development is proposed.

The Applicant states the reasons for the requested amendments are due to the history of the PF Zone, that the property is held in private ownership, and the current land needs within the City of La Pine. The Applicant elaborates on these reasons in the below excerpt from the Applicant’s burden of proof materials:

The subject property currently has a Public Facilities (PF) Comprehensive Plan designation and zone; however it was previously zoned Forest (F-1), which was a remnant of prior Deschutes County Zoning (prior to incorporation). In April of 2017 the City of La Pine conducted a Legislative rezone, to make all zoning consistent with the Comprehensive Plan designations. The Legislative rezone resulted in all F-1 zoned properties in the City of La Pine being rezoned to PF.

The history and need for F-1 zoned lands and PF zoned lands are detailed in Chapter 4 of the Comprehensive Plan. As detailed in that Chapter, La Pine is not required to plan for forest lands in the City, nonetheless historic Deschutes County Forest Zoning areas existed on properties that were located within the Urban Growth Boundary; the City established provisions to allow for historic uses and to plan for the future. Chapter 4 notes:

It is expected that as the City grows, the forest lands will be converted to Public Facility uses. It is the intent of this plan to recognize the potential transition of such lands to other uses more appropriate within an incorporated community. Such uses may include sewer treatment plant expansion, cemetery, energy production, wildfire buffers, and highway 97 expansion uses. However, due to the rural nature of the community, and the desire for the residents to retain this character, forest lands may also transition to designated natural areas, open spaces, wilderness areas and wildlife habitat. The link between forest lands and the natural environment will be important to define and plan for as La Pine transitions these lands to PF uses. This element is explored in greater detail in the Natural Resources Chapter of the Comprehensive Plan.

This section indicates that the prior “forest” land conversion is expected as the community changes. It is the intent of this chapter to recognize uses that are more appropriate within the community and to plan for the changes accordingly. The current proposal recognizes a changing community; properties to the north and south are zoned for mixed use developments, the property to the north is developed with a St. Charles Clinic. Also, the property to the east is being developed as a Master Planned area, which will include commercial and residential components. The downtown core is expanding north along Huntington Road, and the subject property (being privately owned) has not been identified as being needed to accommodate a public use in La Pine.

In addition to providing appropriately zoned land in a changing community, this section establishes a desire to retain a rural character and transition areas between urban and rural areas. With the prior Legislative Zone Change (which changed F-1 lands to PF), the abutting properties to the west and north can ensure the desired transitions:

- The abutting privately held 4-acre property to the north is zoned PF and there is a 4.9-acre property owned by the La Pine Park and Recreation District that is PF to the northwest, which can provide a transition to the abutting rural properties.*
- There [is] a 10 acre property to the west [that] is zoned PF and owned by the Bend La Pine School District. This publicly owned property provides provide [sic] the needed buffer and, given its size, sufficient transitions could continue to be provided through any future development of this site.*
- Beyond those properties and beyond the UGB, is publicly held F-1 zoned property that is situated outside of the City of La Pine. This public property can continue to provide a buffer.*

Overall, the existing conditions, including public and privately held properties all around the subject property, along with County Zoned F-1 properties will maintain the rural character in this area and will sustain the desired transitions to forest land outside of the UGB, in accordance with this section.

The property currently has a Public Facilities (PF) Comprehensive Plan designation. The current proposal includes changing this designation to Mixed Use Commercial (CMX). The Comprehensive Plan states that within La Pine, there are over 1000 acres of public land (these are generally undeveloped) that will continue to have a PF designation, even after removing this property from the available supply. The inventory of PF designated land is significantly more than is typically reserved for Cities across in Oregon [sic]. Furthermore, through this review process, City Staff, the Planning Commission and the City Council will have the opportunity to review the proposal and the impact to public facilities land needs, and determine if the property is needed for a specific public purpose. Because the City has more than an adequate supply of Public Facilities (PF) designated lands, and because there are no specifically documented needs for the subject property for a public use, the proposed Comprehensive Plan Map amendment and Zone Change will not be impactful to ensuring adequate public uses can be provided throughout the community.

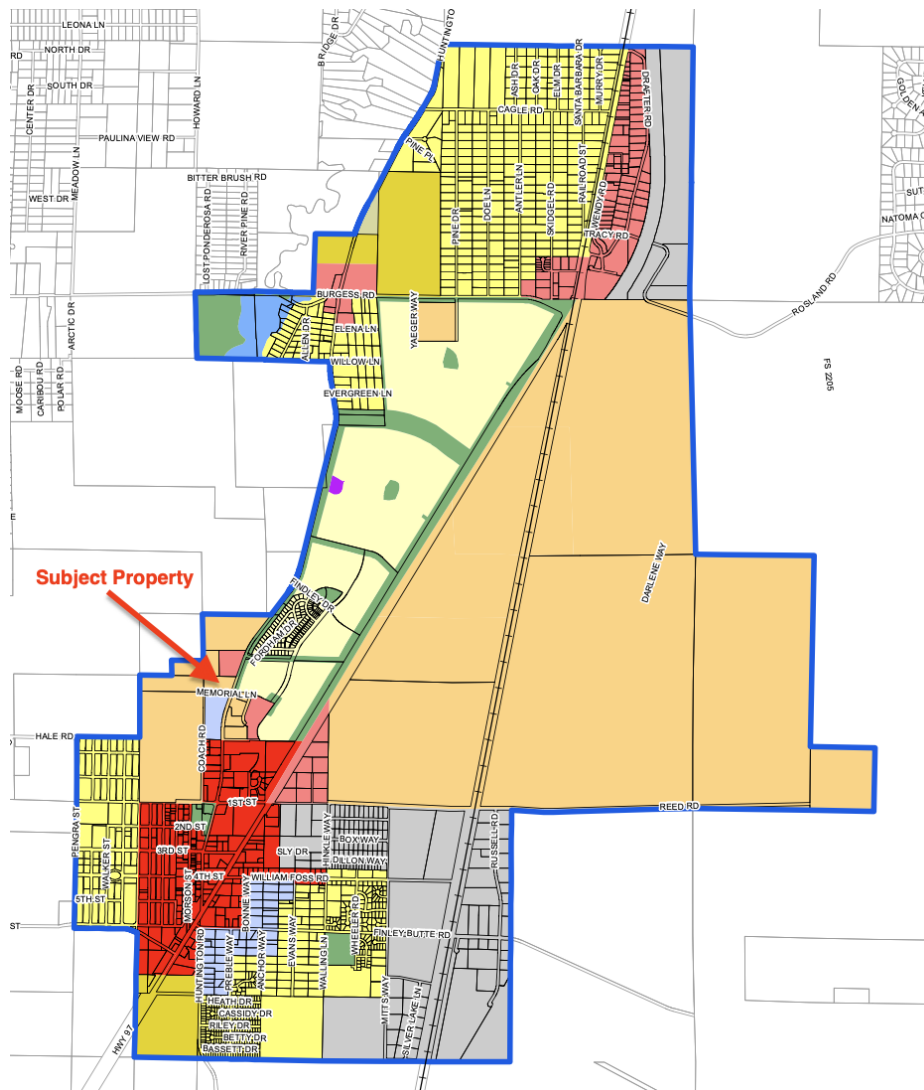
Given the development pattern along Huntington Road, the fact that properties to the north and south are zone[d] for Mixed Use, the anticipated development of the property to the east, and the site's proximity to downtown, this area is also an extension of an overall City's commercial corridor and the downtown core. Therefore, CMX zone provides an appropriate zone and range of uses, which achieves the development pattern in the area

Future Site Plan and Land Division Applications will detail the final uses, lot sizes, dimensions, and facilities that are necessary to accommodate a variety of uses that are allowed in CMX zone.

Also, once a design is finalized and/or users of the area are secured, development of the CMX site will be required to apply for a Site Plan / Design Review application, where specific buildings and site designs will be reviewed. The location and proximity of the planned CMX Zone to the downtown core and nearby residential areas can both 1) provide employment opportunities and 2) provide for vibrant commercial uses that will be available to nearby residents and the broader community. Furthermore, the size of the site, CMX Zone requirements, and allowed uses ensure that development upon the CMX zoned property will be compatible with the surrounding uses.

Staff has included the above explanation for reference and accepts the Applicant's conclusions regarding the discussion of County-zoned F-1 property being reassigned the PF designation and zone. For illustrative purposes and convenience, an excerpt of the City of La Pine Zoning map is included below, with areas in the PF Zone noted in orange shading. It can be seen that a large amount of land within the city limits is zoned PF including relatively smaller lots near the subject property and relatively larger lots in the central eastern portion of the City.

In addition to the applicant's statements regarding the rezoning to the CMX Zone to allow for employment opportunities and commercial uses, it is noted that a range of residential uses are also allowed in the CMX Zone, where they are not permitted in the PF Zone. The Applicant's transportation analysis takes this into account and is discussed in detail in sections below in this Staff Report.



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 or uses are proposed at this time. However, future proposals will be reviewed for conformance with the La Pine Development Code when development is proposed.

15.22.400 Development Standards

- A. Purpose.** The development standards for commercial and mixed-use zones allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed[.]
- B. Development Standards.** The development standards for commercial and mixed-use zones are presented in Table 15.22-2. Development standards may be modified as provided by Chapter 15.320, Variances. Additional standards may apply to specific zones or uses, see Section 15.22.500.

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: No specific development, uses, or land divisions are proposed at this time. However, future proposals will be reviewed for conformance with the Development Code when 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: No specific development or uses are proposed at this time. However, future proposals will be reviewed for conformance with the Development Code when development is proposed.

Article 3 – Zoning Districts

- **Chapter 15.24 – Industrial and Public Facility Zones**

15.24.100 Purpose

Chapter 15.24 regulates allowed land uses (“uses”) and sets forth lot and development standards, including without limitation minimum dimensions, area, density, coverage, structure height, and other

provisions that control the intensity, scale, and location of development in the industrial and public facility zones. The regulations of this chapter are intended to implement the City of La Pine Comprehensive Plan.

15.24.200 Characteristics of the Industrial and Public Facility Zones

Industrial and Public Facility zones accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. Two industrial zoning districts, one for light industrial uses and one for general industrial uses, provide for the full range of planned industrial land uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high-quality environment for business, offer a range of parcel sizes and locations for industrial site selection, avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses.

- ...
 - C. Public Facility Zone (PF).** The PF zone is intended to provide areas for large-scale public facility and utility uses that require separation from residential and commercial uses. Additionally, the PF zone accommodates industrial uses that are compatible with large-scale public facilities.

FINDING: The subject property is currently zoned PF and is privately owned. No public facility or utility uses are planned for the site. The property to the north is zoned CMX and is developed with a medical center. The property to the east has a portion of it zoned CMX and the property to the south is zoned Commercial/Residential Mixed Use (CRMX). The Applicant notes that the location of the property in relation to other close by properties that are developed and/or zoned for a mix of commercial and residential uses indicates the current PF zoning of the property does not provide the intended separation as described in (C) above. If the proposed Plan Amendment and Zone Change are approved, this chapter will no longer apply.

15.24.300 Use Regulations

Uses may be designated as Permitted, Limited, Conditional, or Prohibited in the industrial and public facility zones. As noted in Table 15.24-1, a use may also be subject to Special Use Standards of Article 6.

FINDING: The PF Zone allows for a limited range of industrial and institutional uses, as outlined in Table 15.24-1. If the proposed Plan Amendment and Zone Change are approved, this chapter will no longer apply.

Article 7 Procedures

- **Chapter 15.202 – Summary of Application Types and General Provisions**

15.202.010 Purpose and Applicability

- A. Purpose.** The purpose of this chapter is to establish decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 15.202-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- B. 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.

Table 15.202-1 – Summary of Approvals by Type of Review Procedure

Application*	Review Procedures	Applicable Regulations
Map Amendment (quasi-judicial zone change)	Type III	Chapter 15.344

FINDING: In accordance with Section 15.344, a quasi-judicial amendment shall be processed as a Type III application. The Applicant has applied for a Type III application, requesting amendments to the Comprehensive Plan Map and Zoning Map.

15.202.020 Time Limit and Consolidated Review

- C. **Consolidated Review of Applications.** When an applicant applies for more than one type of application for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

FINDING: The Applicant has applied for two applications, a Comprehensive Plan Map amendment and a Zoning Map amendment (zone change). The two applications have been consolidated for review pursuant to this provision.

15.202.040 Pre-application conference

- A. A pre-application conference is encouraged for complex applications or for applicants who are unfamiliar with the land use process and is required for all Type III applications. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the applicable land use codes, to provide for an exchange of information regarding applicable requirements of the comprehensive plan, zoning code or land division code and to identify issues likely to arise in processing an application. The applicable zoning code may require that a pre-application conference be held for particular types of applications.
- B. Required pre-application conferences must be held no more than one year prior to the submittal of a Type III land use application. Requests for pre-application conferences shall be made on a form provided by the City.

FINDING: This section requires a pre-application conference for the subject proposal. Pre-application conversations and phone calls occurred in the fall on 2019, in lieu of a single meeting. Staff finds this to meet the intent of the requirement.

15.202.050 Neighborhood Contact

- A. Purpose and Applicability.** Unless waived by the City Planning Official, applicants for master plans, subdivisions with more than 10 lots, major variances and property owner-initiated for zone changes are required to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.
- B. Notice.** Notice of the meeting must be given in writing to all property owners whose property is located within 100 feet of the site, at their addresses of record at the Deschutes County Assessor's office, at least 14 days before the meeting and at least 21 days before submitting the application to the City. The notice must state the time, place, and purpose of the meeting, including a description of the proposed development.
- C. Meeting place, date, and time.** The meeting must be held within the City limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners.
- D. Conduct of meeting.** At the meeting, the applicant, or the applicant's agent, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent, shall complete a form prescribed by the City to certify the occurrence of the meeting.
- E. Filing requirements.** The meeting certification form, even if no affected property owners attend, is required and must be submitted to the City with a land use application for the application to be deemed complete. Copies of the following information must accompany the meeting certification form: a copy of the notice mailed, all addresses for which notice was mailed (e.g., copy of mailing labels), and copies of all other written materials provided prior to or distributed at the meeting.

FINDING: As this proposal is an owner-initiated zone change (and Comprehensive Plan Map amendment) a neighborhood contact meeting is required. The Applicant reported that they held a meeting on February 6, 2020 at the La Pine Senior Center. The required documentation has been submitted. The meeting was conducted after the Applicant applied for the Zone Change, as it was held in response to the request for missing information in the August 20, 2019 "incomplete letter" sent by the City. These criteria have been met.

Article 7 Procedures

- **Chapter 15.204 – Application Procedures**

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

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. Except that prior to becoming effective, all quasi-judicial Comprehensive Plan amendments and Zone changes shall be adopted by the City Council. In considering all quasi-judicial

Comprehensive Plan amendments and Zone changes on which the Planning Commission has authority to make a decision, the City Council shall, in the absence of an appeal or review initiated by the Council, adopt the Planning Commission decision. No argument or further testimony will be taken by the Council.

FINDING: A hearing before the Planning Commission has been scheduled and the Commission has the authority to make a decision on the subject proposal. To become effective, the proposed amendments must be adopted by City Council. In the absence of an appeal or review initiated by City Council, the Council shall adopt the decision of the Planning Commission.

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 has submitted the required application materials, including a written statement, exhibits, and the required fee.

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 this application was sent to the required agencies and individuals, including to those owners of property within 250 feet of the subject property, on 4/27/20. Notice of the hearing was posted in the *Wisebuys* newspaper in the 5/5/20 weekly edition and on the subject property on 4/27/20. No public comments were received.

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: A hearing date has been set for 5/28/20. Not requests for a continuance have been received as of the date of this Staff Report.

D. Ex Parte Contact, Personal Knowledge and Bias.

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

Prior to making a decision, the Hearings Body or any member thereof shall not communicate directly or indirectly with any party or his representative in connection with

any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should such communication whether written or oral occur, the Hearings Body member shall:

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

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.

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.

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

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: These procedural requirements will be complied with during the hearing process. The Planning Commission Chair will explain the purpose of the hearing, announce the order of the hearing, allow appropriate time for all parties and remind attendees that failure to address an issue with sufficient specificity precludes appeal to LUBA based on that specific issue. The City Staff will list and review all applicable substantive criteria. The Planning Commission has been notified of the process, timing, and procedural requirements that are detailed in these sections. Throughout the review and hearing process, the City will comply with these sections, as necessary and applicable.

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: The Notice of Quasi-Judicial Decision standards will be complied with.

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.

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: The effective date and appeal procedures will be complied with.

Article 8 Application Types

- **Chapter 15.334 – Text and Map Amendments**

15.334.010 Purpose

The purpose of this chapter is to provide standards and procedures for legislative amendments to the Comprehensive Plan and Map and to this Code and Zoning Map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.

15.334.020 Applicability

- A.** Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plans, development code, or changes in zoning maps not directed at a small number of property owners. The following amendments are considered generally considered legislative.
1. All text amendments to Development Code or Comprehensive Plan (except for corrections).
 2. Amendments to the Comprehensive Plan Map and/or Zoning Map that affect more than a limited group of property owners.
- B.** Amendments to the Comprehensive Plan and/or Zoning Map (Zone Change) that do not meet the criteria under subsection A may be processed as Quasi-Judicial amendments. However, the distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.
- C.** Requests for Text and Map amendments may be initiated by an applicant, the Planning Commission, or the City Council. The City Planning Official may request the Planning Commission to initiate an amendment. Initiations by a review body are made without prejudice towards the

outcome.

FINDING: The Applicant is requesting a Comprehensive Plan Map Amendment and Zoning Map Amendment (Zone Change) for a single property. Staff has determined the proposal will be reviewed through the quasi-judicial process as it does not rise to the level of a legislative action.

15.334.030 Procedure Type

- A. Legislative amendments are subject to Type IV review in accordance with the procedures in Article 7.
- B. Quasi-judicial amendments are subject to Type III review in accordance with the procedures in Article 7 except that quasi-judicial Comprehensive Plan amendments and Zone changes which must be adopted by the City Council before becoming effective.

FINDING: The proposal will be reviewed through the quasi-judicial process in accordance with Type III applications, but will be adopted by the City Council before becoming effective.

15.334.040 Approval Criteria

Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:

- A. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning). If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules; and

FINDING: The proposal is for amendments to the Comprehensive Plan Map and Zoning Map (Zone Change). Consistency with the Comprehensive Plan, Statewide Planning Goals, and relevant Oregon Administrative Rules is reviewed in findings below.

- B. The proposal must be found to:
 - 1. Be in the public interest with regard to community conditions; or
 - 2. Respond to changes in the community, or
 - 3. Correct a mistake or inconsistency in the subject plan or code; and

FINDING: The Applicant argues that a CMX zoning designation would be more appropriate than the PF Zone for the subject property due to existing development, zoning, and projected uses is the proximity. The application materials state:

The current PF Zoning is a remnant of the F-1 Deschutes County Zoning that was in place on the property when it was under Deschutes County jurisdiction (prior to City of La Pine Incorporation). Since that time, the City of La Pine became its own City, La Pine established a City Council, a

Planning Commission, a Comprehensive Plan and a Development Code. Furthermore the surrounding area is developed or developing; the property to the south is zoned CRMX, the property to the north is zoned CMX and developed with a medical clinic, the area to the southeast has been improved to include the Little Deschutes Lodge, a Housing Works apartment complex and (Habitat for Humanity) single family homes. Furthermore, through recent applications the property to the east is expected to be developed with a mixed use development that include nearly 200 single family homes and a commercial corridor along Huntington Road.

The subject property is privately owned and has not been identified to accommodate any specific public need. The applicant is trying to develop the site in a manner that is consistent with the area and addresses the current market demand. The PF Zone on the privately held property does not meet the Development Code stated characteristics of the PF Zone and is inappropriate for the site (given the surrounding development pattern). The impact of the PF Zone is that the subject property is extremely limited in its developability under the PF provisions, as currently written. The current PF Zone would limit needed uses in the community, employment opportunities, impose significantly higher development costs, decrease affordability, limit creativity in design, limit the ability to address current market demands, and create buffers that far exceed a standard in urban environments.

Overall, the proposed Zone Change is in the public interest, as it allows for market demanded uses and employment opportunities, in a manner that will not place unnecessarily high costs on land, or excessively limit the uses. The CMX zone that is proposed also addresses a changed development pattern in the community, namely that the property is now in an incorporated City and surrounded by lands zoned for mixed use. Also, the land is not needed for public uses and there is a demand for CMX allowed uses in the City of La Pine.

It appears the Applicant can satisfy these criteria as it has: demonstrated a mix of uses and flexibility in design and development would be in the public interest; that the community of La Pine has changed significantly and has different needs now than when it incorporated, and; that although the current PF Zone may not be a “mistake”, it is inconsistent with the progressive development of the area in which the subject property is located. Staff accepts the Applicant’s reasoning and believes these criteria are met.

- C.** The amendment must conform to Section 15.[334.050], Transportation Planning Rule Compliance; and

FINDING: Compliance with Section 15.334.050, the Transportation Planning Rule (TPR) of OAR 660-012-060, is reviewed in findings below.

- D.** For a Quasi-Judicial Zone Change the applicant must also provide evidence substantiating that the following criteria are met:

1. Approval of the request is consistent with applicable Statewide Planning Goals;

FINDING: Consistency with the Statewide Planning Goals is detailed in findings below under the section heading, “CONFORMANCE WITH OREGON STATEWIDE PLANNING GOALS”.

2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan;

FINDING: Consistency with the relevant policies of the Comprehensive Plan is detailed in findings below under the section heading, "CONFORMANCE WITH CITY OF LA PINE COMPREHENSIVE PLAN".

3. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property;

FINDING: The Applicant submitted an Existing Conditions Plan. The plan identifies an existing sewer main extending approximately to the northeast corner of the subject property, and existing water main, an existing overhead power line, an existing communications trench, and an existing gas line, are all located within or adjacent to the right-of-way for Huntington Road. A sidewalk is developed along the frontage of the medical clinic property to the north. There is an existing overhead power line along Memorial Lane and a fire hydrant on the northwest corner of the Huntington Road and Memorial Lane intersection.

The Applicant correctly explains that in order to develop and/or divide the property in the future, those proposals will be reviewed for conformance with the La Pine Development Code. Those provisions require that adequate facilities, services, and transportation networks exist prior development of the property. If adequate infrastructure does not exist, then the applicant/developer for those proposals will be required to develop those facilities or provide suitable mitigation.

4. For nonresidential changes, the proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

FINDING: The current PF Zone does not allow for residential uses. The proposed CMX Zone allows for a range of residential uses as well as certain commercial and institutional uses. Generally, the CMX Zone allows for a greater number of uses which could lead to more intensive use of the subject property once it is further divided and developed, therefore, this criterion applies. However, the PF Zone allows for a limited range of intensive permitted and conditional uses, such as manufacturing and production, freight movement, and waste treatment.

Many of the surrounding properties are developed or able to be developed with uses that are allowed in the CMX and CRMZ Zones. No comments alleging adverse impacts were received from adjacent property owners or the general public. Given surrounding development, and the ability to more intensely develop surrounding properties, the change in zone is not anticipated to destabilize the land use pattern in the area nor is it expected to adversely affect adjacent properties.

15.334.050 Transportation Planning Rule Compliance

Proposals to amend the Comprehensive Plan or Zoning Map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule – TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

FINDING: The applicant has submitted a TPR analysis prepared by Transight Consulting LLC, a transportation planning firm. Consistency with the TPR and recommended mitigation is detailed in findings below under the section heading, "CONFORMANCE WITH OREGON ADMINISTRATIVE

RULES”.

CONFORMANCE WITH CITY OF LA PINE COMPREHENSIVE PLAN

I. Introduction

FINDING: This chapter highlights basic information related to comprehensive plans, including the history of La Pine, the definition of a comprehensive plan, a summary of Oregon’s Statewide Planning Goals, the purpose and intent of the Comprehensive Plan, the process and the methodology, along with a summary, recommendations, and a process for amending the plan. This Introduction section of the Plan does not include any policy directives, thus does not include any elements by which measure the proposal’s conformance. Notably, through the visioning process, the City indicated that while citizens want to maintain their small-town feel, they would like to increase “the degree of basic public services and amenities for their everyday needs. These include better access to health care/hospital, increased employment opportunities, enhanced recreational opportunities and other elements common to everyday life.” (Page 11 La Pine Comprehensive Plan). The proposed Comprehensive Plan Map amendment is intended to address at least one of the specifically stated community needs, by providing increased opportunities for employment through the creation of developable employment land.

V. Amendments to the Plan

Amendments to the La Pine Comprehensive Plan may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, add newer information, or to address changes in the law. An amendment or revision to the Plan may be initiated by the La Pine City Council, the La Pine Planning Commission, or the owner of the land, which is the subject of the proposed amendment or revision. In the case of a Council or Planning Commission initiated change, the change must be found to be consistent with all applicable State of Oregon requirements, including Oregon Revised Statutes and Oregon Administrative Rules. In the case of an owner initiated amendment to the Plan, the owner must, in addition to compliance with State laws, demonstrate that:

1. There was a mistake when the Plan designation was applied to the subject property; or,
2. The proposed change would result in a public need and benefit, and/or would result in a more efficient use of land.

FINDING: The Comprehensive Plan was drafted to understand and expect that the planning of a city adapts and changes to meet new circumstances and opportunities, necessitating amendments to the Plan, including the Comprehensive Plan map. This section establishes that an applicant-initiated amendment, as is the case here, requires that the Applicant demonstrates that either there was a mistake in the plan designation, or the amendment would result in a more efficient use of the land and/or result in a public benefit. In addition, the Applicant must demonstrate compliance with all applicable State laws.

The Applicant has addressed the applicable sections of the ORS, OAR, Comprehensive Plan, and documented that the proposed change will benefit the public and result in a more efficient use of the land. These criteria are reviewed and discussed throughout this report.

Chapter 1 – Community Characteristics

FINDING: After detailing the history of La Pine, from demographics, to development groups, and land use patterns, this chapter goes on to note that, “These historic types of land uses do not currently support sustainability and the reduction of vehicle miles traveled.” (Page 19 – La Pine Comprehensive Plan). The chapter ends with a series of bullet points, identifying imbalances that the community wants to correct, to improve neighborhoods. The stated imbalances that relate to the current proposal include the following:

- Better access and pedestrian ways that connect people to open spaces, parks, and recreational lands closer to where they live
- Additional employment and commercial service nodes closer within neighborhood areas so that people do not have to drive long distances to get “a gallon of milk” or other daily consumable items.
- Schools that are within shorter walking distances from residential areas
- Opportunities for additional tourism support services and activities
- Reduce reliance on energy consumption in an effort to make the community energy neutral.

The requested Comprehensive Plan Map Amendment and Zone Change is the first step to entitle the subject property for future development. If the entitlement process is successful, the Applicant has stated their intent to proceed with the development of the property in a timely manner. A range of development opportunities exist if the property were to be zoned CMX, including employment opportunities and the provision of a neighborhood commercial services node. Existing residential uses, planned residential developments, and schools are all in close proximity to the site. With a variety of uses possible on the site, it could contribute to reducing vehicle miles traveled and reducing energy consumption. The proposal is in alignment with the goals and policies of this chapter.

Chapter 2 – Citizen Involvement Program

FINDING: This chapter addresses Statewide Planning Goal 1 and identifies the State rules related to citizen involvement, along with the community’s purpose and intent for citizen involvement. Furthermore, this chapter identifies issues and goals, policies and programs, establishes roles and responsibilities, and establishes Citizen Advisory Committees, including the Planning Commission. As outlined in above sections, notice of this application has been publicized and hearings will be held before the Planning Commission and City Council. Compliance with notification and public involvement requirements will be ensured by the compliance with the La Pine Development Code procedures throughout the review process.

Chapter 3 – Agricultural Lands

FINDING: This chapter addresses agricultural lands. The subject property is not identified as agricultural land; therefore, this chapter does not apply.

Chapter 4 – Forest Lands

FINDING: This chapter addresses forest lands. The subject property is not identified as forest land; therefore, this chapter does not apply.

Chapter 5 – Natural Resources and Environment

FINDING: This chapter addresses Statewide Planning Goals 5, 6, and 7, which in turn address: natural resources; scenic and historic areas; open space; air, water, and land resources; and natural hazards. The subject property contains no identified Goal 5 resources, has no known natural hazards (e.g. floodplain), and the amendment itself would not have any impact to air, water, or land resource qualities.

Since no known natural resource or environmental concerns are present, the proposal appears to be in alignment with the goals and policies of this chapter.

Chapter 6 – Parks, Recreation, and Open Space

FINDING: This chapter addresses Statewide Planning Goal 8, which in turn address recreational needs. The La Pine area benefits from the La Pine Park District’s Comprehensive Plan that identifies the primary services, facilities, programs, and direction provided by the District, and provides a master plan to guide the acquisition and development of park facilities. It is noted that the Park District owns the property to the northwest of the subject property, tax lot 700. The subject property has not been identified as being needed to meet park, recreation, or open space needs for the City. Therefore, the proposed amendment is in alignment with the goals and policies of this chapter. Review and assessment of future development or subdivision of the property may include the need for the developer to provide or financial contribute towards park and/or open space in conformance with the La Pine Development Code.

Chapter 7 – Public Facilities and Services

FINDING: This chapter addresses Statewide Planning Goal 11, which requires local governments to plan for and develop public facilities and services (e.g. transportation, water, sewer, etc.). Transportation impacts in association with the proposed amendment are reviewed specifically in other sections of this report. Impacts to public facilities associated with development and/or subdivision of the subject property will be assessed during review of those proposals in conformance with the La Pine Development Code.

Chapter 8 – Transportation

FINDING: This chapter addresses Statewide Planning Goal 12, which in turn addresses planning for a safe, convenient, and economic transportation system. In addition to the La Pine Comprehensive Plan, Development Code, and Transportation System Plan, transportation must be planned in compliance with relevant state requirements, including the Transportation Planning Rule (OAR 660-012). Assessments of conformance with these requirements are included in this report. Additionally, review and assessment of future development or subdivision of the property will include determining the limit and extent of impacts to the transportation system, and if improvements and/or mitigation measures are required.

Chapter 9 – Economy

FINDING: This chapter addressed Statewide Planning Goal 9, which in turn addresses planning for and providing opportunities for economic development. In support of its proposal, the Applicant states:

The proposed Comprehensive Plan Map Amendment and Zone Change will allow for an integrated design, a Mixed Use area, and the continuation of the downtown core. The allowance of both commercial and residential uses (both allowed in the CMX Zone) along with the anticipated integrated community to the east, will contribute to a complete community area as desired in this chapter. This chapter further provides reasons why La Pine is desirable for economic development, it identifies key industrial areas, commercial areas, addresses mixed-use areas, drivers of the economy, existing conditions, trends statistics industries and employers, along with desired industries. Beyond those elements, the chapter provides details of land inventory and needs. Ultimately, the chapter concludes that there is an adequate supply of employment lands within the City to meet the 20-year need.

This chapter also specifically addresses Commercial/Mixed Use opportunities; noting “There are many opportunities to add commercial or mixed use zone designations to various area[s] throughout the community in an effort to balance neighbor[hood]s and improve mixed uses as

well as deepen existing areas so redevelopment can easily accommodate new commercial centers” (La Pine Comprehensive Plan, Page 113).

“... commercial or mixed-use designations within the City Limits will occur as a result of the following actions:

- Addition of new commercial/mixed-use lands to deepen the strip commercial areas*
- Addition of commercial/mixed lands to serve neighborhoods and employment areas*

The subject property, situated on the west side of town, is located away from the primary Highway 97 commercial strip. There is a developed residential area nearby, along with anticipated future residential, in addition to the St. Charles Medical clinic, a senior center, the Little Deschutes Lodge, and the school campus. Other surrounding properties are undeveloped but planned for residential and/or commercial uses. The proposed Comprehensive Plan Map Amendment and Zone Change will enhance and broaden the community base in this area, and provide the potential for a variety of services to the existing and future residential uses, enhancing the “complete community” concept in this area of town, in accordance with this chapter.

In addition, one policy specifically states (p. 115):

Frequent updates to the inventories may be required in response to redevelopment, proposed zone changes, mixed-use development techniques and planned unit developments that enable “Complete Neighborhood” concepts and economic development opportunities.

The Applicant’s above statements are acceptable in demonstrating conformance with the goals and policies of this chapter.

Chapter 10 – Housing

FINDING: This chapter addresses Statewide Planning Goal 10, which requires planning to provide housing for both existing citizens and anticipated growth. Some of the relevant housing policies include (pp. 139-143):

- It is necessary to accommodate growth and provide mechanisms to ensure that a variety of housing options for all income levels are available in both existing and new residential areas.
- Residential developments shall be located in close proximity to employment and shopping opportunities.
- The community should maintain the feel of a small community through careful design of new and redeveloping residential areas. Mixed-use and “Complete Neighborhood” design techniques can accomplish this objective.
- A range of housing types, including housing for the elderly, disabled, developmentally challenged and low-income citizens of the community should be dispersed throughout those residential neighborhoods, which are close to schools, services, parks, shopping and employment centers rather than concentrating these dwellings in just a few areas.
- A lack of particular housing choices create traffic congestion as people commute from one community to another, increase costs for businesses related to employee travel time, employee absences, unnecessary street expansions and parking demand, reduced mobility for certain disadvantaged groups, and unnecessary community subsidy to remedy these and other impacts.

The proposed CMX Zone allows for a wide range of both commercial and residential uses. Included in the allowable residential uses are single-family dwellings, duplexes, townhomes, multifamily development, manufactured dwellings parks, residential care homes, and other residential use categories. If the Plan Amendment and Zone Change are approved, it would allow the subject property to be developed with a range of residential development and housing options, in alignment with the policies of Chapter 10.

Chapter 11 – Energy Conservation

FINDING: This chapter addresses Statewide Planning Goal 13, which in turn addresses conserving energy. It focuses on transportation, urban development patterns, and energy supply. The policies encourage land use patterns for greater residential development where appropriate, taking advantage of energy-saving design, energy production, and encouraging energy savings in the form of multimodal transportation options.

Transportation is addressed in detail in other sections of this report. The relevant policies in this chapter will be applied to future development and/or subdivision of the property as implemented in the La Pine Development Code.

Chapter 12 – Urbanization

FINDING: This chapter addresses Statewide Planning Goal 14, which requires cities to provide for an orderly and efficient transition from rural to urban land uses, accommodate urban population and urban employment inside urban growth boundaries, ensure efficient use of land, and provide for livable communities. The chapter discusses land inventories and assessments, including residential land needs and supply, commercial lands, and land for transportation and public facilities. The chapter concludes that lands supplies within the UGB are of a sufficient quantity.

Some of the relevant policies in this chapter include (pp. 164-165):

- Land use patterns shall enhance the development of “Complete Neighborhoods” and development regulations should promote the following principles:
 - Compact Development, which promotes the efficient provision of public services and infrastructure;
 - Mixed-Use, which places homes, jobs, stores, parks, and services within walking distance of one another;
 - ...
 - Transportation Efficiency, or development of an interconnected street system supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local destinations, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car;
- The need for new mixed-use areas within the City shall be explored on an as needed basis for the purpose of furthering the Complete Neighborhood planning concepts envisioned by the Plan.

In support of its proposal, the Applicant states:

The property is situated on the west side of town away from the primary Hwy 97 strip of commercially zoned and developed properties. There is a developed residential area nearby along with a medical clinic, a senior center, the Little Deschutes Lodge and the school campus.

Furthermore, the property to the east [is] planned to accommodate residential development. The planned Comprehensive Plan Map Amendment, Zone Change, and future mixed uses will enhance and broaden the community base in this area and provide for a variety of services to the existing and future residential uses, enhancing the “complete community” concept in this area of town, in accordance with these policies.

The proposal appears to be in alignment with the relevant policies of this chapter.

CONFORMANCE WITH OREGON ADMINISTRATIVE RULES

As noted above, Oregon Administrative Rules (OAR) have been developed by the Department of Land Conservation and Development (DLCD). The City of La Pine has developed a land use program that is based upon the adopted OARs. The City of La Pine local land use program includes the Comprehensive Plan, along with implementing ordinances included the La Pine Development Code (LPDC). DLCD has reviewed the Comprehensive Plan and implementing ordinances and “acknowledged” them as being consistent with the OAR and Statewide Planning Goals. The review process for the proposed Comprehensive Plan Map amendment considers the proposed amendment’s compliance with the acknowledged Comprehensive Plan and implementing ordinances, thus conformity with applicable OARs is understood.

The Administrative Rules that apply to this application include:

- 660-012 Transportation Planning Rule (TPR)
- 660-015 Oregon Statewide Planning Rule

OAR 660-015 is addressed in the section “CONFORMANCE WITH OREGON STATEWIDE PLANNING GOALS” below.

OAR 660-012, Transportation Planning

660-012-0060 Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

FINDING: The applicant has submitted a TPR analysis and subsequent supporting documentation prepared by Transight Consulting LLC, a transportation planning firm, and is incorporated herein by reference. The findings of the TPR analysis conclude that the Plan Amendment and Zone Change would affect an existing transportation facility. Details of appropriate mitigation under the Transportation Planning Rule will be provided at the public hearing.

CONFORMANCE WITH OREGON STATEWIDE PLANNING GOALS

There are 19 Statewide Planning Goals that express Oregon's land use policies. Each local government throughout Oregon, including the City of La Pine, must adopt a Comprehensive Plan to implement the Statewide Planning Goals. The City of La Pine has adopted the La Pine Comprehensive Plan and as detailed below, the proposed Comprehensive Plan Map Amendment and Zone Change conform to all applicable policies and other elements of that plan. Additionally, the City of La Pine has adopted local land use regulations including the La Pine Development Code to implement the policies of the Comprehensive Plan. The Applicant's request and application conform to the approval criteria of the applicable ordinances, and it is consistent with the relevant policies of the Comprehensive Plan; therefore, the proposal is consistent with the relevant Statewide Planning Goals.

Of the 19 Statewide Planning Goals, Goals 1, 2, 9, 11, and 12 are relevant for additional discussion in this Comprehensive Plan Map Amendment and Zone Change. All other goals have been determined to either not apply to this application or are clearly satisfied through the City's acknowledged Comprehensive Plan and local land use regulations. Regardless of the above, several other goals are addressed below in order to mitigate any improbable future finding that one or more of these goals apply to the proposal.

Goal 1 - Citizen Involvement, "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."

FINDING: The request includes a quasi-judicial review process, so ensuring the opportunity for citizen involvement is necessary.

Compliance with Goal 1 is achieved through Chapter 2, Citizen Involvement Program of La Pine's Comprehensive Plan and through the process procedures that have been adopted in the La Pine Development Code (LPDC). The City Council adopted the procedures in the LPDC, which has been acknowledged by the Land Conservation and Development Commission (LCDC). The adopted LPDC contains provisions to ensure an appropriate level of citizen involvement is achieved for the application type.

The City sent notice of the public hearings to all property owners within 250 feet of the property, the property owner, the Applicant, the Planning Commission and the Crescent Creek Homeowners Association, etc. In addition to mailed notice, public notice was published in the local newspapers (*Wisebuys*) in the 5/5/20 weekly edition. The notices informed citizens about the hearing and indicated that any interested parties may participate by submitting written or verbal testimony. The Applicant submitted an application form and stated their understanding that any public hearings before the Planning

Commission and the City Council will be noticed and held in conformance with the public involvement procedures in the LPDC. These adopted procedures will therefore ensure consistency with Statewide Planning Goal 1.

Goal 2 – Land Use Planning, “To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.”

FINDING: Goal 2 is relevant because the proposal for a Comprehensive Plan Map Amendment and Zone Change includes a planning review and recommendation, which must have a factual basis. The proposal has been reviewed in accordance with the planning processes and policies that were established in the acknowledged local land use regulations: the La Pine Comprehensive Plan and La Pine Development Code. The proposed Comprehensive Plan map amendment has followed the established local planning process and will neither alter the process for administration of the local land use regulations, nor the acknowledged procedural requirements (which ensure a factual base for all decisions). By following the adopted procedures, the review of the proposal will be consistent with Statewide Planning Goal 2.

Goal 3, Agricultural Lands

FINDING: Goal 3 is not applicable because the subject property is within the La Pine Urban Growth Boundary and intended for urban development. It is not agricultural land that requires additional protection pursuant to Goal 3.

Goal 4, Forest Lands

FINDING: Goal 4 is not applicable because the subject property is within the La Pine Urban Growth Boundary and intended for urban development. It is not forest land that requires additional protection pursuant to Goal 4.

Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces

FINDING: Pursuant to Goal 5, cities are required to establish inventories and adopt protections for natural, scenic, and historic areas along with open spaces. The City of La Pine has conducted the required process and the subject property has not been identified as a Goal 5 area, thus Goal 5 is not applicable to the current proposal.

Goal 6, Air, Water and Land Resources

FINDING: Goal 6 is not applicable because the proposal only amends the Comprehensive Plan Map and Zoning Map; it does not include development and will not have any impacts on air, water or land resources. Through future development applications, the Applicant will be required to demonstrate that sewage treatment and water service will be supplied in accordance with the adopted design standards, thus maintaining water and land resource quality on and around the property. Additionally, there are no streams or other water resources in the vicinity that would be adversely affected by future development. For the above stated reasons, the Goal 6 is not applicable to the current proposal.

Goal 7, Areas Subject to Natural Hazards

FINDING: The intent of Goal 7 is to protect people and property from the dangers of natural disasters. The proposal does not include any development and the property is not subject to significant natural hazards, including those identified under Goal 7. The site is not within the 100-year flood plain of the Little Deschutes (or another waterway), there are no known geologic faults in the area, and the earthquake

hazard is considered to be moderate. There is no designation of the property that make it more of a hazard than other properties in the area, thus the proposal is consistent with this goal and additional assessment is not necessary.

Goal 8, Recreational Needs

FINDING: The property is not designated for a recreational purpose or a destination resort within the Comprehensive Plan, other community plans, or any implementing ordinances. The adopted long-range planning efforts do not identify the property as necessary to meet recreational needs of the City, thus the requested amendment does not conflict with this statewide planning goal and additional assessment is not required.

Goal 9 – Economic Development, “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”

FINDING: The request is to change the Comprehensive Plan designation and zone of the subject property from its current Public Facilities (PF) designation to Commercial Mixed-Use (CMX). This request is the first step to entitle the property for a range of uses; additional steps will include Site Plan Reviews for development of the property and Tentative Plan reviews for subdivision of the property. The Comprehensive Plan Map Amendment, Zone Change, and subsequent steps will result in development occurring on the site and will add Economic Lands to the City, which will improve economic opportunities in La Pine, in conformance with this goal.

Goal 10 – Housing, “To provide for the housing needs of Citizens of the state.”

FINDING: The requested map amendment does not add or remove residential lands from the La Pine Urban Growth Boundary, thus will not impact the availability of residential lands or Goal 10. Therefore, this goal is not applicable. Although this goal is not applicable, the Applicant noted that the proposed designation, Commercial Mixed-Use (CMX) includes a wide range of allowable uses, including the potential for residential uses. If the land was ultimately developed with a residential component, the property could increase the availability of residential lands in La Pine, which would contribute to an increased supply of housing lands, and improved consistency with the goal. Thus, because the proposal potentially adds to the residentially developable lands (if developed as a mixed-use development), and because the proposal is being reviewed in accordance with the City of La Pine implementing ordinances, the proposal is consistent with this Statewide Planning Goal.

Goal 11- Public Facilities and Services, “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”

FINDING: OAR 660-011 implements Goal 11, and notes, “Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons...” The most recent July 1, 2019 Portland State University population forecast for La Pine documents a population of 1,900. The population is less than 2,500; therefore, this goal does not apply to La Pine at this time. However, as part of the site planning process, the Applicant will be required to demonstrate the ability to serve the property with adequate public facilities for the proposed uses.

Goal 12 – Transportation, “To provide and encourage a safe, convenient and economic transportation system.”

FINDING: Goal 12 is implemented through the Transportation Planning Rule, OAR 660-12-0060, in addition to local land use regulations. The Applicant submitted a TPR analysis, which is incorporated

herein by reference. As discussed under the TPR section above, the analysis and subsequent documentation states that the requested Comprehensive Plan Map Amendment and Zone Change will impact a transportation facility. Details of appropriate mitigation under the Transportation Planning Rule will be provided at the public hearing.

In regards to the local land use regulations, the City of La Pine has adopted a Transportation System Plan (TSP) and the La Pine Development Code; conformance with these documents ensures compliance with Goal 12. The La Pine Development Code includes requirements that transportation capacity exists, or be provided, in association with new developments and/or land division and that it be consistent with the TSP. The application and review processes that will occur in association with future development will further ensure compliance with Goal 12.

Detailed review of future development's compliance with the transportation requirements of the La Pine Development Code and the TPR analysis (with appropriate mitigation) therefore provides the consistency with this Statewide Planning Goal.

Goal 13 Energy – “To conserve energy.”

FINDING: The proposal does not include any development, energy production, or energy consumption elements. Because no development is planned, this goal is not relevant to the proposed Comprehensive Plan Map Amendment and Zone Change, as the proposal will not have an impact on energy conservation.

Goal 14 Urbanization – “To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.”

FINDING: Goal 14 requires local governments to provide for an orderly and efficient transition from rural to urban land uses, and to accommodate urban population and employment inside urban growth boundaries, while ensuring efficient use of land. The subject property is located within the urbanized city limits and the proposal will facilitate future development that will use existing public facilities and services (which will be reviewed in subsequent site development applications) in an efficient and functional land use pattern. Given that the proposal does not expand the urban growth boundary, this goal is not relevant to the proposed amendment.

Goals 15 through 19

FINDING: These goals only pertain to areas in western Oregon and are not applicable for this application.

IV. CONCLUSION AND RECOMMENDATION:

Based on the above findings, the Applicant has demonstrated, with the suggested conditions of approval, that the request to amend the Comprehensive Plan Map and a Zoning Map to change the designation and zone of the subject property from Public Facility (PF) to Commercial Mixed-Use (CMX) meets all applicable approval criteria. Staff recommends that, after public hearings and review, the Planning Commission and City Council approve the proposed amendments as conditioned.

Conditions of Approval:

Details of appropriate mitigation under the Transportation Planning Rule will be provided at the public hearing. This mitigation will be recommended as a condition of approval.

CITY OF LA PINE PLANNING DIVISION

Addendum to Staff Report

Plan Amendment/Zone Change: File Nos. 03CA-19 & 03ZP-19Addendum Part 1

As noted in the staff report, mitigation under the Transportation Planning Rule is necessary due to the finding of a significant impact associated with the proposed rezone of the subject property (4.70 acres) located on the west side Huntington Road immediately north of Memorial Lane.

As outlined within the December 13, 2019 analysis submitted by the applicant, recent development, coupled with increasing traffic from the west side of Huntington Road results in the Huntington Road/Memorial Lane intersection exceeding the City's adopted performance thresholds in the year 2032 planning horizon.

Section (2) of the Transportation Planning Rule section on Plan and Land Use Regulation Amendments (OAR 660-12-0060) includes five options to mitigate the finding of a significant impact:

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(d) Providing other measures as a condition of development or through a development agreement or similar funding method, including, but not limited to, transportation system management measures or minor transportation improvements. Local governments shall, as part of the amendment, specify when measures or improvements provided pursuant to this subsection will be provided.

(e) Providing improvements that would benefit modes other than the significantly affected mode, improvements to facilities other than the significantly affected facility, or improvements at other locations, if the provider of the affected facility provides a written statement that the system-wide benefits are sufficient to balance the significant effect, providers at other locations being improved provide written statements of approval, and the local jurisdiction provides written statements of approval.

FINDING: In accordance with option (d), capacity improvements can be provided at the Huntington Road/Memorial Lane intersection, in the form of a roundabout. The Applicant requested that "a pro-rata funding be applied toward the intersection needs" and provided a proposed conditions of approval:

- *Right-of-way at the Huntington Road/Memorial Lane intersection should be provided to the City of La Pine (or other parties responsible for its construction) to support the preferred long-term intersection capacity treatment.*

- *A pro-rata payment should be provided to the City of La Pine as part of future development applications. This should be based on a total projected volume of 1,108 weekday p.m. peak hour trips with the rezone, with the subject property contributing up to 82 more trips in a comparative “worst-case” development scenario (for a total of 126 weekday p.m. peak hour trips).*
 - *Roundabout improvement cost of \$2,200,000*
 - *Rezone Contribution of 7.4% (+82 / 1,108 PM trips)*
 - *Rezone Cost of \$162,816*
 - *Per Trip fee of \$1,292.19 (\$162,816 / 126 total PM trips)*

The City Engineer has reviewed and accepts the methodology for determining the pro-rata share. In addition, staff recommends that the condition of approval require an escalation factor for inflation, as the contribution will be paid overtime, at the time of building permits. Accordingly, staff recommends the following revised conditions of approval are:

- **Prior to receipt of a building permit, all development on the subject property must submit to the City of La Pine a payment of \$1,292 per PM peak hour trip, which amount shall increase on the first day of each calendar year by an amount proportionate to the yearly change in the Consumer Price Index for All Urban Consumers for the West Region, as published by the U.S. Bureau of Labor Statistics.**
- **Prior to issuance of any land use approvals or building permits on the subject property, applicant must execute a deed of dedication acceptable to City that dedicates right-of-way to the City of La Pine sufficient to accommodate a 200-foot diameter roundabout, measured from the current intersection of the centerlines of Huntington Road and Memorial Lane.**
- **Within 30 days after this decision becomes final, and prior to issuance of any land use approvals or building permits on the subject property, applicant must record a conditions of approval agreement acceptable to City to memorialize the conditions of approval applicable to development on the subject property and provide record notice of such conditions to future owners.**

Addendum Part 2

A public comment letter was submitted by the Housing Land Advocates and Fair Housing Council of Oregon, encouraging additional findings for Goal 10 (Housing). The City's Comprehensive Plan (p. 135), based on the City's acknowledged Housing Needs Analysis and Buildable Lands Inventory, concludes that the City has an existing surplus of residentially designated lands and the proposed amendment has no effect on the City's supply of residentially designated lands.

Additional Goal 10 FINDING: The PF zone does not allow for residential uses and such lands are not identified as available for residential development under either the Housing Needs Analysis or Buildable Lands Inventory, which have been acknowledged and reveal a surplus of lands available for residential development. Accordingly, changing the zoning designation of the subject property from PF to CMX has no impact on the City's inventories of lands available for residential development. Because the CMX zone allows for residential uses, the proposed zone change in fact expands opportunities for residential development. Because the zone change has no impact on the City's ability to provide for housing, the proposal complies with Goal 10.

NOTICE OF PUBLIC HEARING

The City of La Pine will hold a public hearing before the Planning Commission **at 5:30 PM on Thursday, May 28, 2020 in the City of La Pine Council Chambers, 16345 6th Street, La Pine, OR and via remote connections.**

- File Number:** 01SUB-20
Hearing Date: May 28, 5:30 p.m. - City Hall, 16345 6th Street, La Pine
 With Remote Connections
- Applicant/ Owner:** Robert Marx, Rachel Snyder, 688 Kinoole #105, Hilo, HI 96720
- Property Location:** 51430 Hinkle Way, La Pine. Tax lot 1300 of Deschutes County Tax Assessors Map 22-10-14AC.
- Requests:** Subdivision tentative plan for 10 residential lots and associated infrastructure in the residential single family (RSF) zone.

Due to COVID-19 and required social distancing measures, the City will make accommodations for remote participation. Please contact the City at least 24 hours before the public hearing for instructions on remote participation.

All interested persons may appear, be heard, be represented by counsel, or send written signed testimony. All written comments must be received by the City prior to the hearing date or submitted at the hearing. Failure to raise an issue in person at the hearing or in writing precludes appeal by that person to the Land Use Board of Appeals (LUBA). Failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to LUBA based on that issue.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at City Hall during normal business hours, at no cost. Copies will be provided upon request at a reasonable cost. Interested persons may obtain a Staff Report within seven days of the date of the hearing. Please contact City of La Pine Planning Consultant, Tammy Wisco, at 210-896-3432 if you have any questions.

Applicable criteria:

City of La Pine Development Code

Article 3. Zoning Districts

Chapter 15.18 Residential Zones

Article 5. Development Standards

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

Article 7. Procedures

- Chapter 15.202 Summary of Application Types and General Provisions

- Chapter 15.204 Application Procedures

Article 9. Land Divisions

- Chapter 15.401 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



C: Property owners within 100'
Planning Commission
City Council
Agency List



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

Subdivision Application

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

File Number #

Name of Subdivision: Pine Meadows Pine Landing
Number of Lots: 10

Applicant Name Robert Marx, Rachel Snyder Phone 541-513-8792 Fax
Address 688 Kinoole #105
City Hilo State HI Zip Code 96720
Email rachelsnyder4@gmail.com

Property Owner Same Phone Fax
Address
City State Zip Code
Email

PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, general area) 51430 Hinkle Way

Legal Description: Tax Map & Lot Number(s) 221014AC01300

Present Zoning SFR

Total Land Area (Square Ft.) 2.25 ac (Acres)

Present Land Use vacant



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

PROJECT DESCRIPTION

Describe Project

10 lot residential subdivision

PROFESSIONAL SERVICES

Architect/Surveyor/Engineer SCE&S Phone 541-382-8882 Fax 541-385-5832
Address 920 SE Armour Rd. City Bend State OR Zip 97702

Builder or Agent Phone Fax
Address City State Zip

Applicant: Rachel Snyder Signature Date: 3/11/2020

Owner/Agent: Rachel Snyder Signature Date: 3/11/2020
(Circle One)

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

FOR OFFICE USE ONLY

Date Received:
Rec'd By:
Fee Paid:
Receipt #:

a Hatchuel



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

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

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

Applicant: Rachel Snyder Date: 3/11/2020
Signature

Owner/Agent: Rachel Snyder Date: 3/11/2020
(Circle One) Signature

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

attached

Project Hinkle Way

541-513-8792

rachelesnyder4@gmail

To Whom it may concern,

I, Robert Marx, authorize Rachel Snyder to submit applications, converse with La Pine city personnel and make decisions affecting the subdivision application and approval of 51430 Hinkle Way, La Pine, Oregon, said property consisting of approximately 2.25 acres located on Hinkle Way La Pine, Oregon. Rachel Snyder is my daughter and is working on this project on my behalf.

If you have any questions or suggestions please phone me at 808-935-8988 or email me at ouroffice@marx-law.com

Very truly yours,



Robert P. Marx

**IN A MATTER BEFORE THE CITY OF LA PINE PLANNING DEPARTMENT
BURDEN OF PROOF STATEMENT**

**OWNER/
APPLICANT:** Robert Marx
51430 Hinkle Way
La Pine, OR 97739

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

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

REQUEST: Approval of a Tentative Plan to divide the approximate 2.25-acre subject lot into ten (10) residential lots in the La Pine Residential Single-Family (RSF) Zone.

LOCATION: The subject property has an assigned property address of 51430 Hinkle Way, La Pine and is identified as Tax Lot 1300 on Deschutes County Assessor’s Map 22-10-14AC.

I. APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

City of La Pine Development Code

Article 3, Zoning Districts

- Chapter 15.16 Establishment of Zones
- Chapter 15.18 Residential Zones

Article 5, Development Standards

- Chapter 15.80, Development Standards, Generally
- Chapter 15.82, Landscaping, Buffering and Fences
- Chapter 15.86, Parking and Loading
- 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

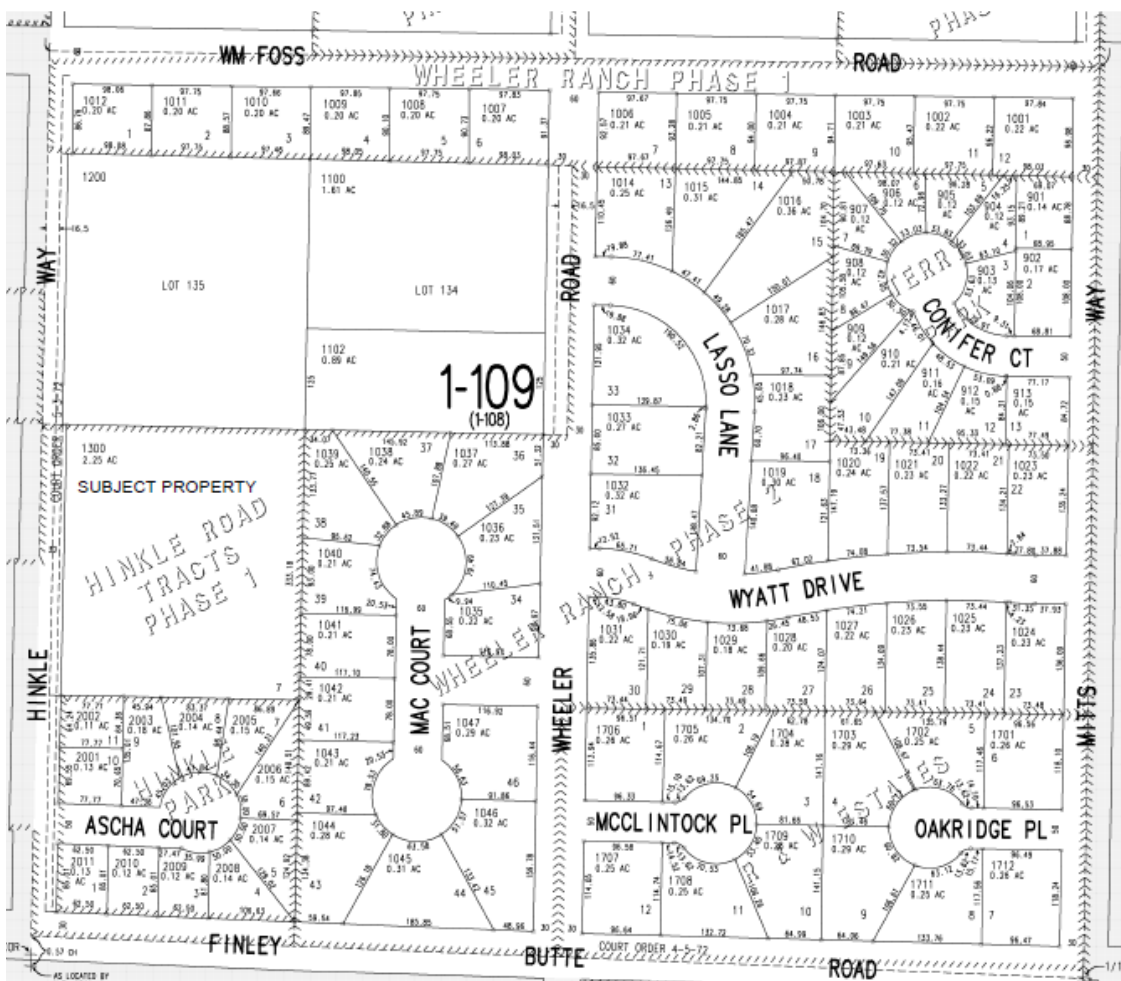
Chapter 15.202, Summary of Application Types and General Provisions
Chapter 15.204, Application Procedures

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

II. BASIC FINDINGS:

- 1. LOCATION:** The subject property is at 51430 Hinkle Way, La Pine and is identified as Tax Lot 1300 on Deschutes County Assessor's Map 22-10-14AC. The subject lot lies east of Hinkle Way, north of Finley Butte Road and south of William Foss Road. Excerpt of County Tax Map 22-10-14AC is provided below:



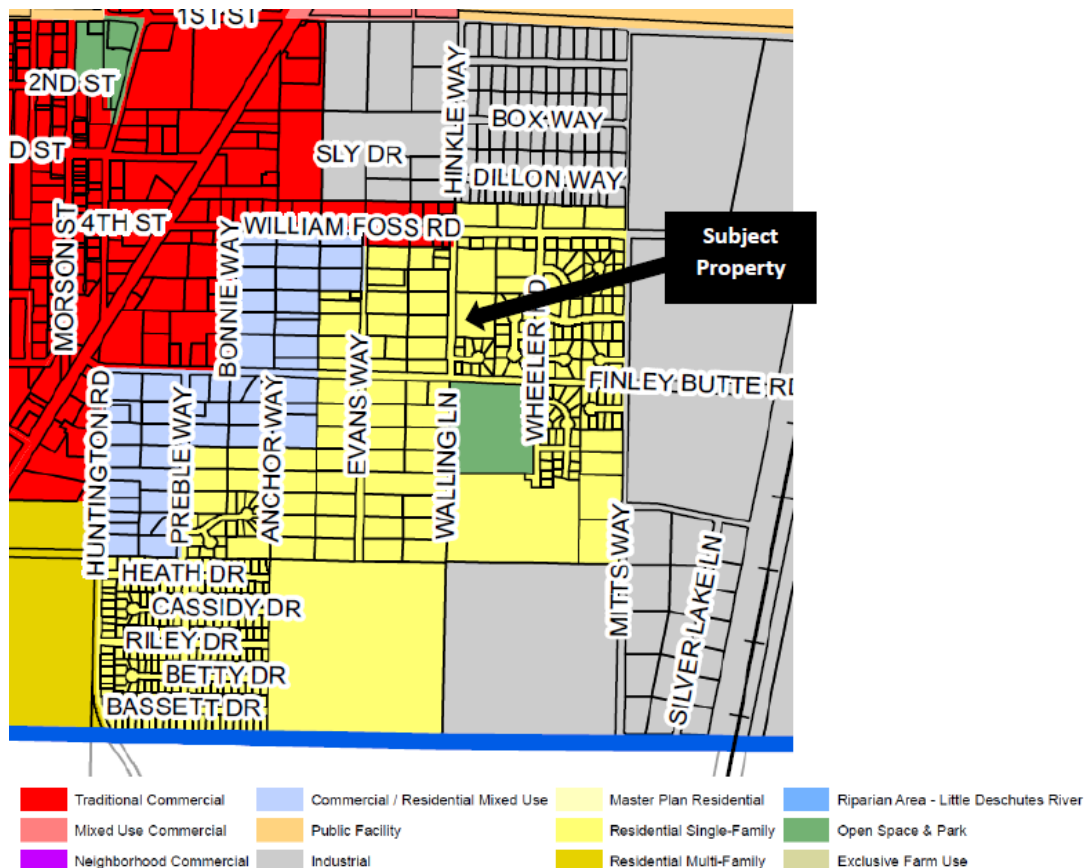
- 2. EXISTING ZONING & COMPREHENSIVE PLAN DESIGNATION:** The subject property is zoned Residential Single Family (RSF) on the La Pine Zoning Map and is also designated RSF on the La Pine Comprehensive Plan Map. The property is within the City Limits and Urban Growth Boundary of La Pine.

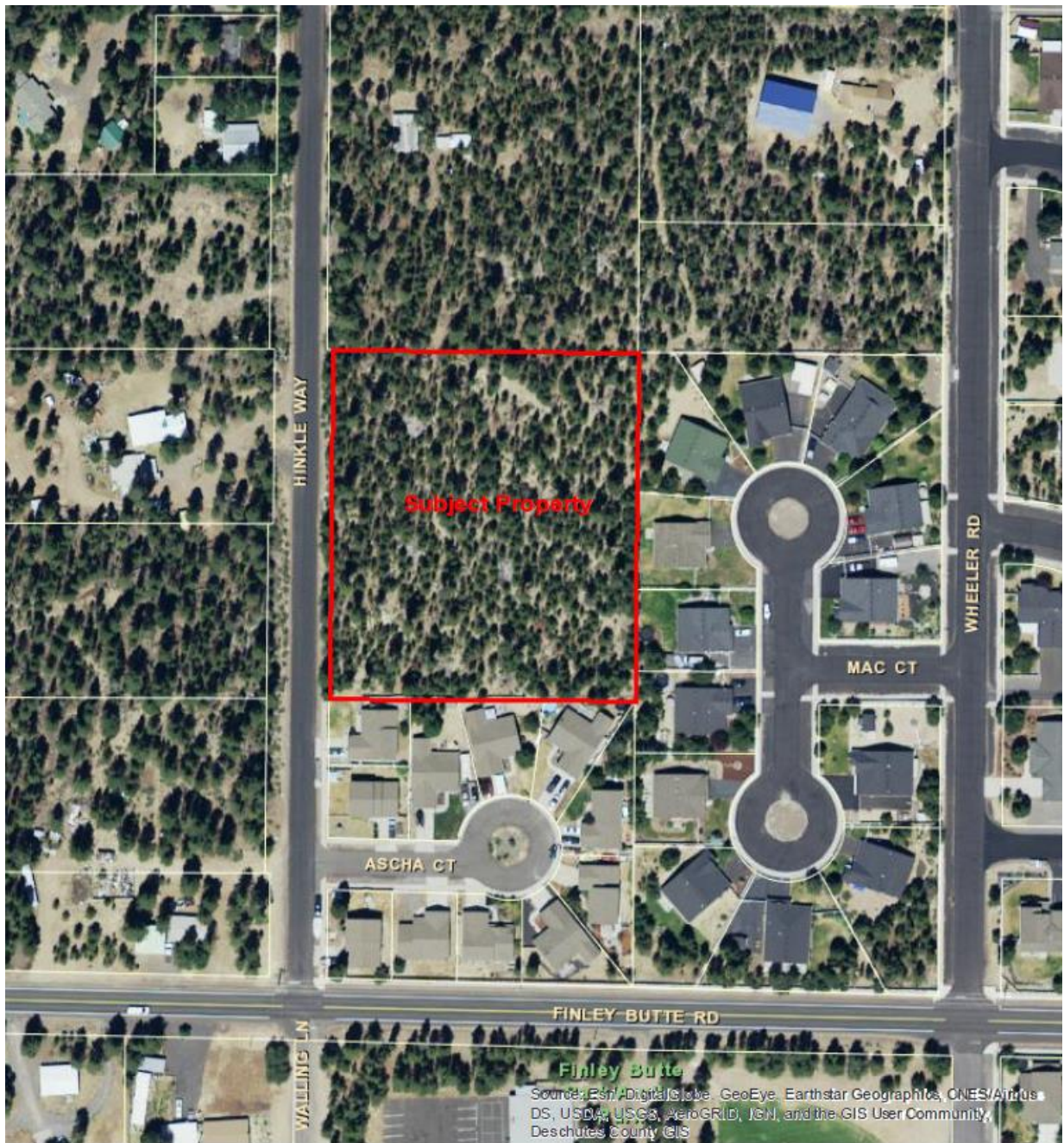
3. SITE DESCRIPTION & SURROUNDING USES: The subject property is approximately 2.25 acres and is rectangular in shape. The property is vacant and the topography is relatively level supporting a moderate to dense cover of mature and immature lodgepole pine trees with sparse native underbrush. Hinkle Way, an Industrial Collector, abuts the property to the west. The property does not contain water rights. According to the Flood Insurance Rate Map (FIRM) for Deschutes County and the National Wetlands Inventory, respectively, the subject property is not located in the 100-year flood plain and contains no wetlands.

The area surrounding the subject property consists mainly of residential properties. These uses include residential properties to the north, south and east. Adjacent and to the south is a developed 11-lot subdivision, Hinkle Park, that is similarly designed as that of the proposed subdivision. Hinkle Way borders the property to the west. Beyond Hinkle Way are residentially zoned properties that are either developed or vacant. Abutting the property to the east are lots within Wheeler Ranch Phase 2, which is a fully-developed residential subdivision.

Approximately 330 feet to the south, across Finley Butte Road, is La Pine Park and Recreation property supporting Finley Butte Park/Audia Park. Zoning surrounding the property is RSF with Industrial zoning farther to the north, east and south, with Traditional Commercial zoned lots farther to the northwest and Commercial/Residential Mixed Use Zoned properties farther to the west.

An excerpt of the City of La Pine 2016 Zoning map is provided below:





4. **PROPOSAL:** Approval of a Tentative Plan to divide the approximate 2.25-acre subject lot into ten (10) residential lots in the La Pine Residential Single-Family (RSF) Zone.
5. **LOT OF RECORD:** Pursuant to Section 15.304.020 (A)², the subject property consists of Lot 7 of Hinkle Road Tracts, Phase 1 subdivision, a lawfully recorded plat (6/30/2000).

² 15.304.020 Criteria, A lot of record is a unit of land that meets one or more of the following criteria, pursuant to ORS 92.010 through 92.190: A. The unit of land was lawfully created through a subdivision or partition plat.

III. APPLICATION OF STANDARDS AND CRITERIA:

CONFORMANCE WITH CITY OF LA PINE DEVELOPMENT CODE

15.202.010 Purpose and Applicability

A. Purpose. The purpose of this chapter is to establish decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 15.202-1 provides a key for determining the review procedure and the decision-making body for particular applications.

B. 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.

...

Table 15.202 - 1 – Summary of Approvals by Type of Review Procedure (Excerpted)

Application*	Review Procedures	Applicable Regulations
Land Divisions		
Subdivision, PUD or Replat of >3 lots Preliminary Plat Final Plat	Type III Type I	Chapter 15.406
Partition or Re-plat of 2-3 lots Minor - Preliminary Plat Major - Preliminary Plat Final Plat	Type II Type III Type I	Chapter 15.410

Boundary Line Adjustments, Replatting	Type I	Chapter 15.414
<p>* The applicant may be required to obtain building permits and other permits and approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.</p>		

APPLICANT'S RESPONSE: The proposal is for a 10-lot residential subdivision, thus, a Type III procedural review is required.

15.202.050 Neighborhood Contact

- A. **Purpose and Applicability.** Unless waived by the City Planning Official, applicants for master plans, subdivisions with more than 10 lots, major variances and property owner-initiated for zone changes are required to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.

- B. **Notice.** Notice of the meeting must be given in writing to all property owners whose property is located within 100 feet of the site, at their addresses of record at the Deschutes County Assessor's office, at least 14 days before the meeting and at least 21 days before submitting the application to the City. The notice must state the time, place, and purpose of the meeting, including a description of the proposed development.

- C. **Meeting place, date, and time.** The meeting must be held within the City limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners.

- D. **Conduct of meeting.** At the meeting, the applicant, or the applicant's agent, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent, shall complete a form prescribed by the City to certify the occurrence of the meeting.

- E. Filing requirements.** The meeting certification form, even if no affected property owners attend, is required and must be submitted to the City with a land use application for the application to be deemed complete. Copies of the following information must accompany the meeting certification form: a copy of the notice mailed, all addresses for which notice was mailed (e.g., copy of mailing labels), and copies of all other written materials provided prior to or distributed at the meeting.

APPLICANT'S RESPONSE: Applicant had pre-application with City Staff, where Applicant was informed that due to the lack of complexity of the application, the neighborhood meeting was waived, citing that the required public notice, process, and planning commission hearing will afford public involvement and opportunity to comment to the record. Therefore, the requirement for a neighborhood meeting has been waived by the City Planning Official provided for under subsection (A) above.

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.**

APPLICANTS RESPONSE: Applicant understands that the proposed subdivision will be processed as a Type III procedure for a Quasi-Judicial review going to the La Pine Planning Commission for a decision. Applicant has submitted the required application form provided by the Planning Official which is accompanied by the all of the supplemental items listed under Subsection 2 above. The requirements of Section 15.204.030 (A) (1) and (2) are satisfied.

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.

APPLICANTS RESPONSE: As stated above, Applicant has submitted the required application form provided by the Planning Official which is accompanied by all of the supplemental items satisfying the requirements of Section 15.204.030 (A) (1) and (2).

- 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.

...

APPLICANT'S RESPONSE: An outline development plan is not required and is not being provided by Applicant with the application.

- 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 ½ 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.**

APPLICANT'S RESPONSE: Submitted with the completed application form is a tentative plan designed in accordance with requirements of this section and containing all the applicable information and elements listed above.

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.**

APPLICANT'S RESPONSE: The proposal does not include a Master Planned Development nor does propose to plat and develop the subdivision in phases.

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.**

APPLICANT'S RESPONSE: No deed restrictions or protective covenants are proposed to be utilized for the development.

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.**

APPLICANT'S RESPONSE: An exception is being justified to exclude curbs from the development in accordance to applicable provisions of the development code. Specifically, a waiver under Section 15.90.080 (D) is proposed as addressed in this burden of proof statement below.

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.**

APPLICANT'S RESPONSE: Applicant understands that tentative plan review follows Type III review procedures in Article 7. Applicant acknowledges that the decision for the proposed tentative plan will be provided by the City in the form of a written decision and noted on not less than two (2) copies of the tentative plan, including references to any attached documents that set for specific conditions.

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.

APPLICANT'S RESPONSE: Applicant understands the limitations for tentative approval relative to final plan review and approval stipulated in (G) above.

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.

APPLICANT'S RESPONSE: Resubmission of a denied tentative plan is not proposed.

- 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.**

APPLICANT'S RESPONSE: The proposed tentative plan is consistent with the applicable development and density standards of the RSF District set forth in Article 3.

Section 15.18.200, Characteristics of the Residential Zones, provides the following description of the RSF Zone:

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

Development standards for RSF Zone are provided under 15.18.400:

15.18.400 Development Standards

- A. **Purpose.** The development standards for residential zones work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City's character. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.
- B. **Development Standards.** The development standards for residential zones are presented in Table 15.18-2. Development standards may be modified as provided by Chapter 15.320, Variances. Additional standards may apply to specific zones or uses, see Section 15.18.500. Footnotes in the table correspond to the sections

below.

1. **Minimum density standard in the RSF zone only applies to subdivisions. Development on existing lots and partitions are exempt from this standard. Accessory dwellings do not count toward the maximum density standard in the RSF zone.**
2. **Table 15.18-2 — Development Standards in the Residential Zones** *(excerpt)*

Standard	RSF
Minimum density	1 unit per acre (1)
Maximum density	7 units per acre (2)
Minimum lot size	None
Minimum street frontage	50 feet 35 feet on cul-de-sac street 25 feet for townhomes
Minimum setbacks	--
- Front or street-side yard	20 feet
- Side yard	10 feet None for townhomes
- Rear yard	20 feet
Maximum building height	45 feet
Maximum lot coverage	75% for townhomes 50% for all other uses
Minimum landscaped area	See Chapter 15.82

As evident from the submitted tentative plan, the proposed subdivision is designed to comply with all applicable development standards for the RSF Zone and is in harmony with the characteristics of the RSF Zone. More specifically, the density of the proposed subdivision is

approximately 4 dwelling units per acre³ well within the range of 1 to 7 units per acres specified above. Lot sizes range between 7,231 and 8,245 square feet.

The proposed lot sizes are of a large enough size to accommodate dwellings and garages, as well as accessory structures and comply with the front side and rear setbacks and maximum lot coverage requirements. Compliance with setbacks, lot coverage and building height will be verified for compliance during the building permit review process for the development of each lot. Pursuant to 15.82.010, minimum landscape areas do not apply to single-family dwelling construction, but to developments subject to site plan review, such as duplexes and triplexes, multi-family, commercial and industrial uses, etc. The proposed tentative plan complies, or will comply upon development, to the standards of this section.

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

APPLICANT'S RESPONSE: This standard is not applicable as there are no overlay zones applied to the property.

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.

APPLICANT'S RESPONSE: The submitted tentative plan is designed to comply with applicable design and improvement standards of Article 5 as demonstrated below:

Article 5

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.

15.88.030 Vehicular Access and Circulation

³ 10 units/2.25 acres = 4.4 dwelling units per acre considering single-family dwelling development.

- 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.
- 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.

APPLICANT’S RESPONSE: Subsection (B) can be met through the imposition of a condition of approval requiring approach permits to be secured. Regarding (C), a Traffic Impact Analysis is not required for the proposed development.

- 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.

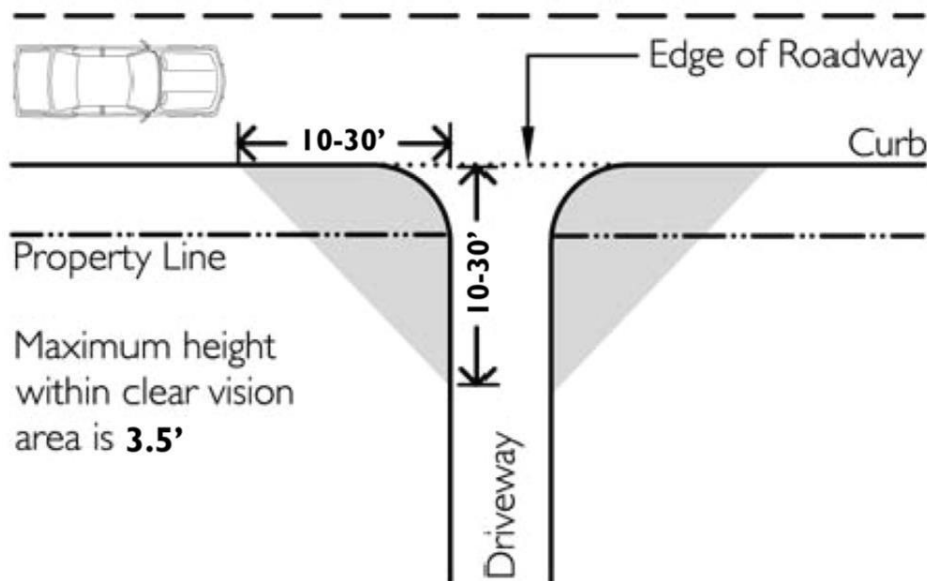
APPLICANT’S RESPONSE: Access management restrictions and limitations are not needed as the proposal is for a 10-lot residential subdivision which will have access exclusively to local access roads. (D) (1) and (2) are inapplicable to the proposed subdivision.

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



APPLICANT’S RESPONSE: Clear vision standards can 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.

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.

APPLICANT’S RESPONSE: Depicted on the submitted Tentative Plan are the location of proposed sidewalks within rights-of-way abutting all proposed lots in the subdivision. The pedestrian sidewalks comply with applicable standards of this section as they provide practical connectivity, as well as safe, reasonably direct, and convenient pedestrian access and circulation. The pedestrian sidewalk system extends throughout the development site and will connect to the existing adjacent sidewalk to south within Hinkle Park Subdivision. The sidewalk system within the subdivision have been designed to comply with this section and sidewalks can be constructed to comply with applicable City of La Pine 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.

APPLICANT'S RESPONSE: Developer 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.

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

APPLICANT'S RESPONSE: The existing right-of-way of Hinkle Way is of adequate width, thus, additional right-of-way dedication is not needed.

- 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.

APPLICANT'S RESPONSE: Half streets are not proposed or anticipated as part of this development.

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.

APPLICANT'S RESPONSE: It is understood 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

- 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.

APPLICANT'S RESPONSE: Pre-application discussions with staff identified no such threat to public health or safety or deficiency where such restrictions would be warranted for this development.

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.**

APPLICANT'S RESPONSE: Drainage systems associated with the subdivision are designed to comply with all applicable standards and specifications and provide capacity for all runoff generated on site. Proposed landscape swales in the right-of-way are designed to accommodate all anticipated drainage and run-off demands resulting from the development.

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.**

APPLICANT'S RESPONSE: The developer is prepared to coordinate the development plan with all applicable utility providers in accordance with this standard.

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

APPLICANT'S RESPONSE: All utilities serving the development will be provided by underground service.

- 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.

APPLICANT'S RESPONSE: All utilities serving the development will be provided by underground service, as designed by the serving utility. Measures will be taken to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic. Compliance with (C)(1) through (4) can be ensured through the implementation of conditions of approval.

- 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.

APPLICANT'S RESPONSE: An exception to the undergrounding standard is not anticipated by Applicant.

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.

APPLICANT'S RESPONSE: Items (A) through (F) are not applicable to the proposed subdivision.

15.90.070 Design of Streets and Other Public Facilities

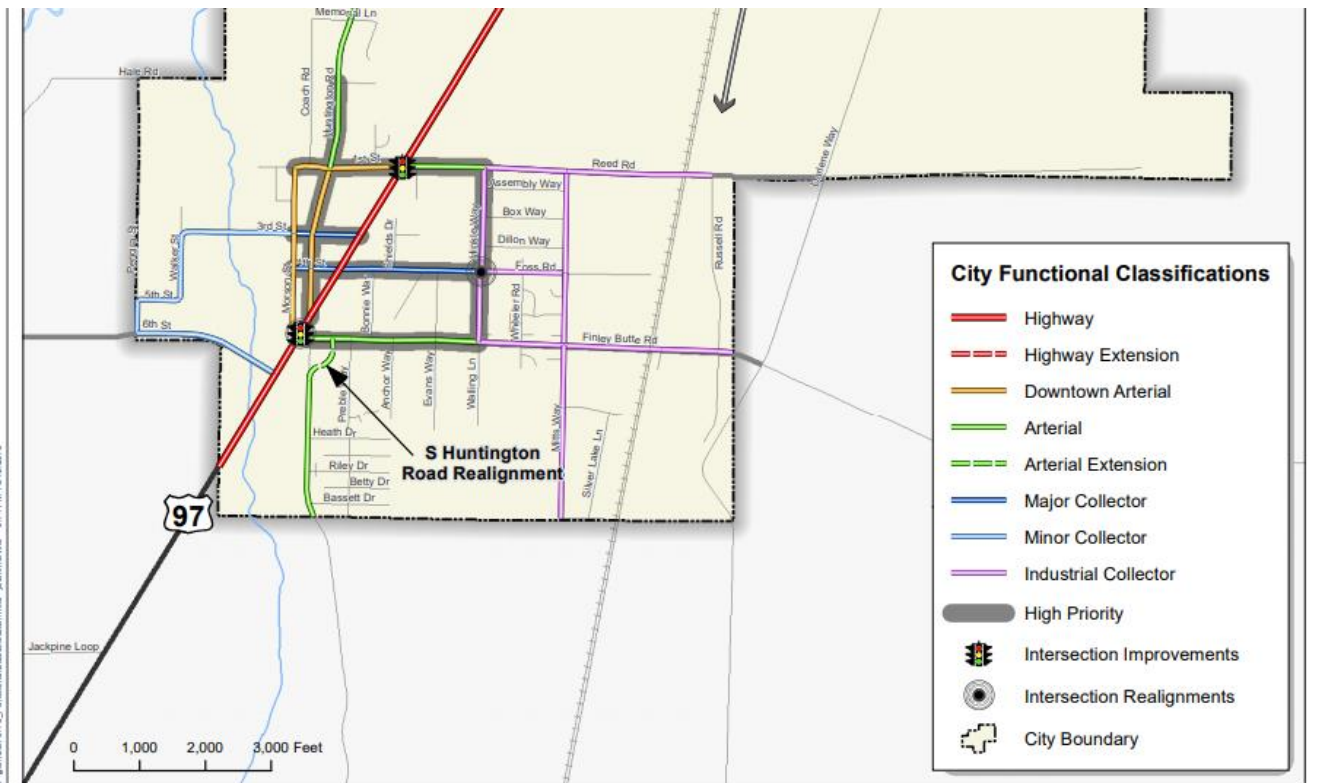
- A. **Traffic circulation system.** The overall street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. An analysis of the proposed traffic 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.

APPLICANT'S RESPONSE: As evident from the submitted plan, the overall street system will provide for adequate traffic circulation with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. The proposed development is of a simple design and involves only one street extending from Hinkle way that terminates in a cul-de-sac.

- 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

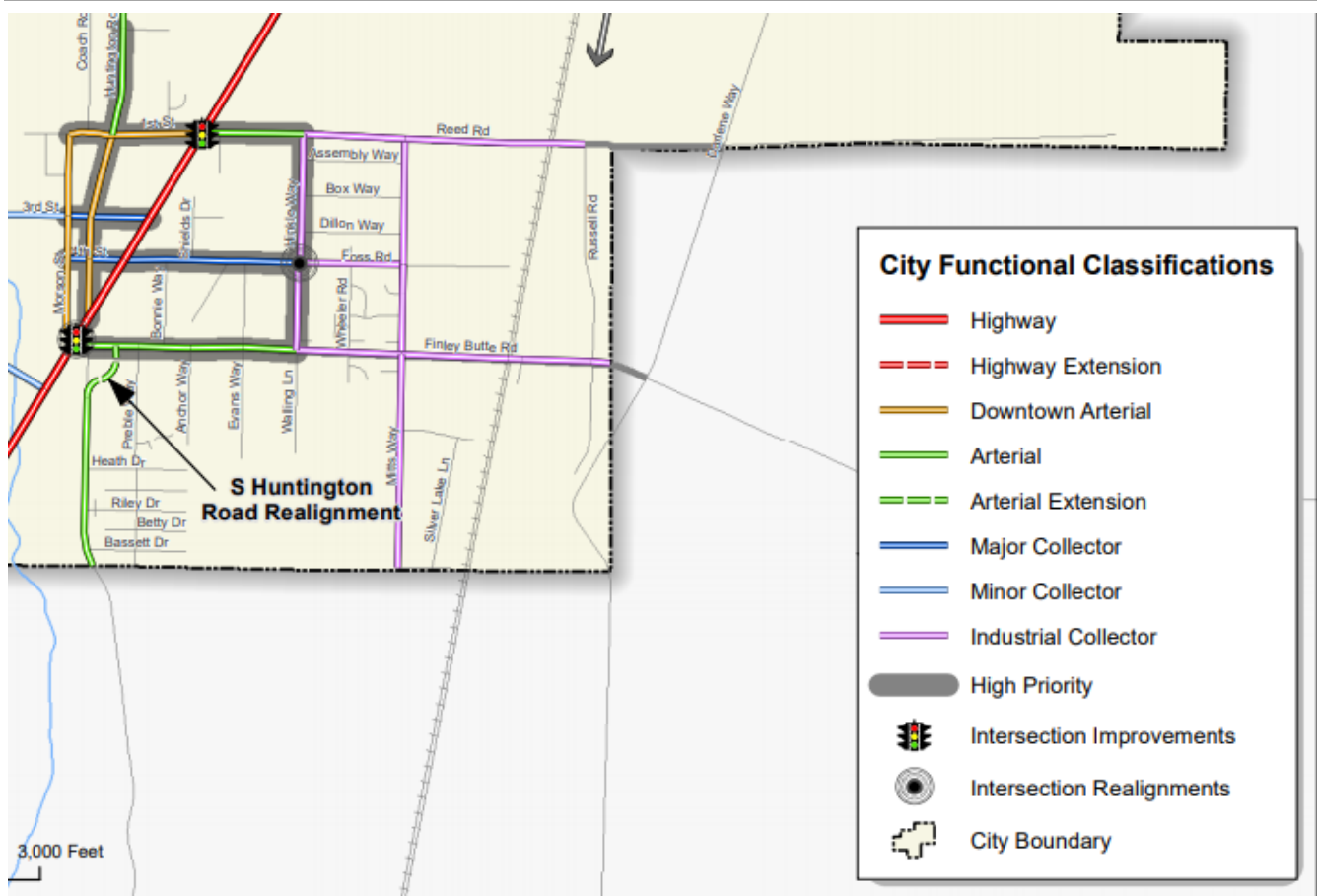
3. Conform to the adopted La Pine Transportation System Plan as may be amended.

APPLICANT’S RESPONSE: The proposed location and pattern of proposed streets are not adversely affected. As depicted on the tentative plan, the street grid proposed consists solely of a 64-foot-wide public right-of-way, identified as “A” Court, that terminates at the east boundary of the property in a cul-de-sac, which is designed to provide for sufficient emergency vehicular access and turn around.



**Roadway Functional Classification
La Pine, Oregon** | **Figure
4-3**

Coordinate System: NAD 1983 HARN StatePlane Oregon South FIPS 3602 Feet Int'l



**Roadway Functional Classification
La Pine, Oregon**

**Figure
4-3**

Provision for the continuation or appropriate projection of existing principal streets in surrounding areas is not applicable. As previously described above, properties to the east and south are developed with subdivisions. These subdivisions, Hinkle Park and Wheeler Ranch Phase 2, include streets terminating in cul-de-sacs that are not oriented toward the subject property making any connectivity impossible.

Property to the north is Tax Lot 1200, 22-10-14AC, a 2.43 acre parcel developed with a single-family dwelling. The provision of street orientation of the proposed subdivision to provide connectivity with any future subdivision on Tax Lot 1200 is not necessary, nor warranted, as connectivity to undeveloped properties to the east of Tax Lot 1200 can be provided at such time Tax Lot 1200 is subdivided. No future planned streets are identified on the City's Transportation maps within the boundaries of the subject lot. Such location and pattern of the proposed street conforms to the La Pine Transportation Plan and these standards can be satisfied.

C. Access Ways. The City, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a public access way. Where an access way is

required, it shall be not less than 10 feet wide and shall contain a minimum six-foot-wide paved surface or other all-weather surface approved by the City. Access ways shall be contained within a public right-of-way or public access easement, as required by the City.

APPLICANT'S RESPONSE: As explained above, Applicant proposes a cul-de-sac terminating at the east boundary of the subject lot, therefore, such an access way as described in this criterion is not feasible.

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.

APPLICANT'S RESPONSE: Property to the north, Tax Lot 1200, 22-10-14AC, is a 2.43 acre parcel developed with a single family dwelling. The provision of street orientation of the proposed subdivision to provide connectivity with any future subdivision on Tax Lot 1200 is not necessary, nor warranted, as connectivity to undeveloped properties to the east can be provided at such time Tax Lot 1200 is subdivided.

Additionally, the provision of street connectivity on properties north of the site would be consistent with the alignment of Lasso Lane in Wheeler Ranch Phase 2 subdivision along Wheeler Road. Further, provision of such a street within the proposed development providing such connectivity adversely affects the density of the subdivision.

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

APPLICANT’S RESPONSE: Below is Table 4-4 excerpted from Page 61 of the La Pine TSP identifying Roadway Cross-Section Standards:

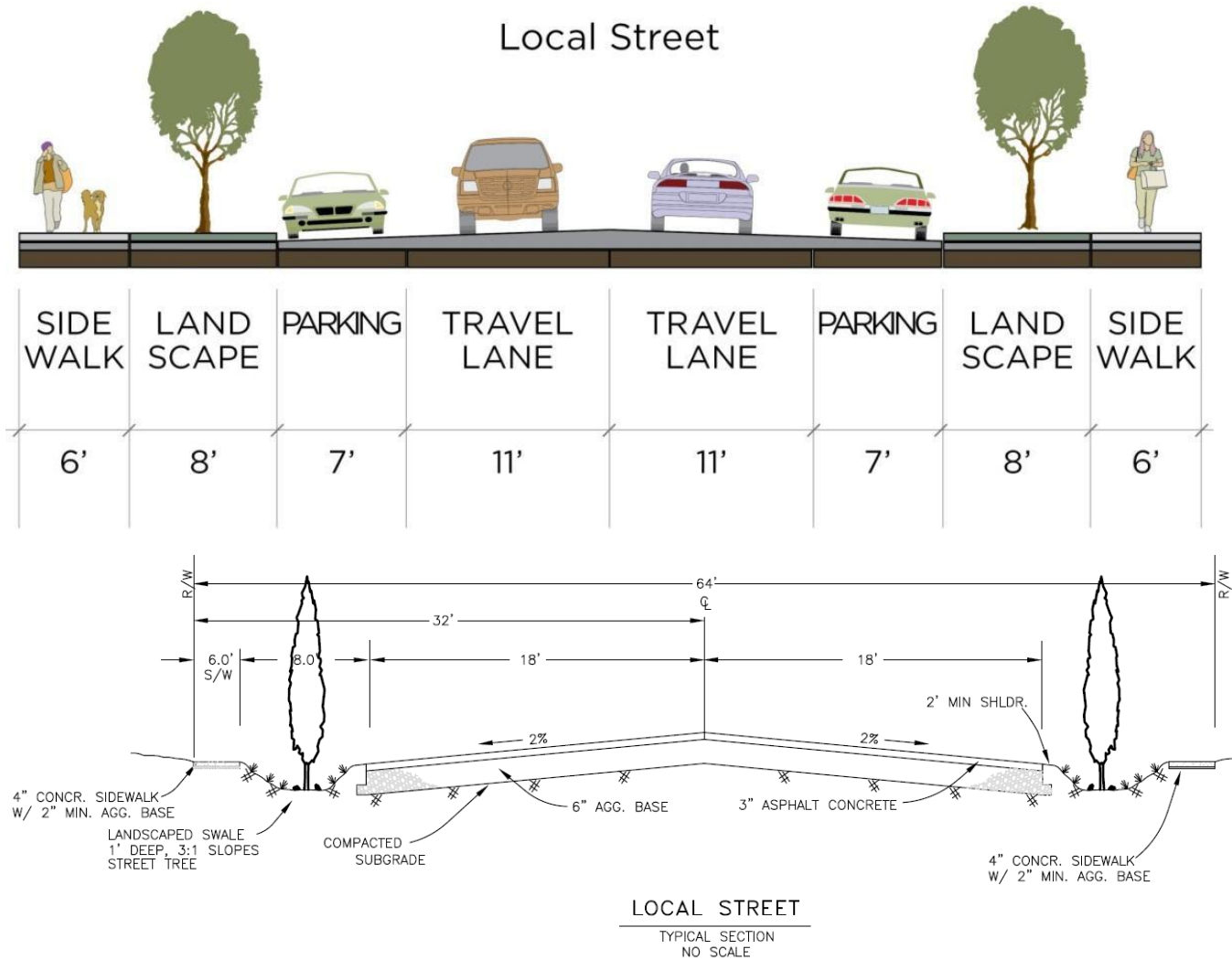
Table 4-4 presents the dimensional standards for the five proposed functional classifications in La Pine.

Table 4-4 Roadway Cross-Section Standards

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

¹ On low volume, low speed (>30 mph) facilities, alternative bicycle facilities can be considered at the discretion of the City

² On-street parking provide adjacent to commercially zoned properties



As depicted in the Local Street Cross-Section on the Tentative Plan provides street rights-of-way are 64 feet in width and comply with dimensional properties of the La Pine Transportation System Plan. Applicant proposes utilizing the 8-foot-wide landscape strip for storm drainage. Minimum right-of-way and roadway widths, including street, sidewalk, and surfacing widths, comply with the minimum widths in feet set forth in the La Pine Transportation System Plan, and will be constructed in conformance with applicable standards and specifications set forth by the City of La Pine. This standard is met.

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

APPLICANT’S RESPONSE: As depicted on the submitted Tentative Plan, the local street cross section identifies a 4-foot-wide, property-tight sidewalk on each side of the proposed

local street rights-of-way abutting all proposed lots in the subdivision. The pedestrian sidewalks comply with applicable standards of this section as they provide practical connectivity, as well as safe, reasonably direct, and convenient pedestrian access and circulation. The pedestrian sidewalk will be provided within the subdivision and along Hinkle Way connecting to the existing sidewalk to the south. The sidewalk system has been designed to comply with this section and sidewalks can be constructed to comply with applicable City of La Pine standards.

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.

APPLICANT’S RESPONSE: Table 4-4 on Page 61 of the City’s TSP is provided below:

Roadway Cross Section Standards

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

Table 4-4 Roadway Cross-Section Standards

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

¹ On low volume, low speed (>30 mph) facilities, alternative bicycle facilities can be considered at the discretion of the City

² On-street parking provide adjacent to commercially zoned properties

Per Table 4-4, a 6-foot-wide bike lane is required along Hinkle Way, an Industrial Collector road. Bike lanes are not proposed. Instead, cyclists can use the roadway surface of the proposed local street network.

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.**

APPLICANT'S RESPONSE: Subsection (H) is applicable as a cul-de-sac is proposed within the subdivision. As previously described above, due to orientation of the street network of abutting subdivisions, which terminate in cul-de-sac streets, use of a cul-de-sac street is necessary in the proposed subdivision and found to be acceptable by City Staff per the February 14, 2020 pre-application meeting with Applicant's engineer and land use planning consultant. The proposed cul-de-sac complies with the above standards.

- I. **Marginal access streets. Where a land development abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with suitable depth, screen- plantings contained in a non-access reservation strip along the rear or side property line or other treatments deemed necessary for adequate protection of residential properties and the intended functions of the bordering street, and to afford separation of through and local traffic.**
- J. **Streets adjacent to railroad right-of-way. Whenever a proposed land development contains or is adjacent to a railroad right-of-way, provisions may be required for a street approximately parallel to the ROW at a distance suitable for the appropriate use of land between the street and the ROW. The distance shall be determined with consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting or other separation requirements along the ROW.**
- K. **Reserve Strips. Reserve strips or street plugs controlling access to streets will not be approved unless deemed necessary for the protection of public safety and welfare and may be used in the case of a dead-end street planned for future extension, and in the case of a half street planned for future development as a standard, full street.**

APPLICANT'S RESPONSE: Standards (I) through (K) above are not applicable to the proposed subdivision.

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

APPLICANT'S RESPONSE: No such streets are proposed, thus, this standard is not applicable.

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

APPLICANT'S RESPONSE: The submitted Tentative Plan illustrates compliance with this standard in all intersections. Therefore, this application complies with this section.

- N. 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.
- O. 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.
- P. 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.
- Q. 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.

APPLICANT'S RESPONSE: Development of the subdivision will comply with the above standards where applicable. The existing topography of the subject property does not contain any severe slopes, rather is relatively level. Actual street grades, street names, signage and other traffic control devices will be determined through Construction Document review by the City Engineer.

R. 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.

APPLICANT'S RESPONSE: The subdivision does not propose alleys.

S. 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.

APPLICANT'S RESPONSE: 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, an attractive landscape swale supporting street trees and vegetation is proposed. Landscape swales containing trees is not only more aesthetically pleasing than concrete curbs but provide improved drainage capacity and flow during times of snow melt and heavy rains. Excluding curbs from the proposed subdivision provides consistency with the abutting subdivision to the south (Hinkle Park Subdivision).

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

Context-Sensitive Variation

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

- **Planter strips outside urbanized areas are optional, due to maintenance costs.**
- **Constrained roadways in more rural areas can be designed with**

shoulders to accommodate bikes and pedestrians when the right-of-way is limited.

- On-street parking can be provided or not provided based on the context of the area being served.
- Curbs should be included in the downtown core area. However, they may be optional in areas outside the downtown core when drainage issues warrant such consideration.
- In downtown areas, options are available to replace center turn lanes and medians with on- street parking, as shown by the two figures in the following section.

Additionally, as stated above, not providing curbs is consistent with streets within abutting subdivisions and along Hinkle Way to the south of the subject property as evident from the photo below:



Image capture: Jun 2012 © 2020 Google

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

T. 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.

APPLICANT'S RESPONSE: In concert with the Dark Skies policies and practices, street lights are not proposed as part of the subdivision.

U. 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.

APPLICANT'S RESPONSE: Developer will make the necessary arrangements with all applicable utility companies serving the subdivision regarding installation. Will-serve letters from the serving utilities are provided with this application.

V. 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.

APPLICANT'S RESPONSE: Proposed drainage facilities, in the form of the proposed vegetated swales, are designed in accordance with all applicable City and Oregon Department of Environmental Quality standards.

W. 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.

APPLICANT'S RESPONSE: This standard is not applicable as 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.

APPLICANT'S RESPONSE: Based on the low level of Average Daily Trips (ADTs) and minimal impacts generated by the proposed 10-lot subdivision, a TIA is not required.

- 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.

APPLICANT'S RESPONSE: Applicant does not propose deferral of street improvements.

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.**

APPLICANT'S RESPONSE: As evident from the submitted Tentative Plan, the proposal is for a 10-lot subdivision that includes a cul-de-sac street with no block. Block length from "A" Court to the Asha Court to the south is approximately 322 feet and block length from "A" Court to Finley Butte Road and Hinkle Road intersection is approximately 465 feet. Block length from "A" Court to William Foss/Hinkle intersection is approximately 630 feet. Block length requirements are met.

Being an infill project with properties to the east and south developed with cul-de-sac streets, having no east west streets and properties to the north also lacking east-west streets, the block perimeter maximum cannot be met. The property does not abut an arterial street, thus, criterion (3) above is inapplicable. Applicant's engineer and land use planning consultant met with City Staff on February 14, 2020 to discuss the project and the staff planner, Tammy Wisco, found the proposed layout to be acceptable. The subdivision complies with the block length requirements above and with block perimeter requirements to the extent possible.

- 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.

APPLICANT'S RESPONSE: Proposed lot size, shape and orientation are appropriate for the intended residential development and is consistent with the RSF Zone. As detailed above, the

lots are designed for single family dwellings and accessory uses permitted outright in the zone. There are no topographical constraints imposed by the terrain of the property as the entire site is relatively featureless and flat. This standard is met.

- C. Access. Each resulting or proposed lot or parcel shall abut upon a public street, other than an alley, for a width of at least 50 feet except as otherwise provided for in this 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.**

APPLICANT'S RESPONSE: All proposed lots will abut a public street for a width in excess of 50 feet, including Lots 4 through 7 which front on the cul-de-sac bulb of "A" Court. This standard is met.

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

APPLICANT'S RESPONSE: Proposed lots 4 through 7 have curved lot lines where abutting the cul-de-sac bulb of "A" Court. The submitted tentative plan demonstrates that all lots are designed to comply with this standard as practicable.

- 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.**

APPLICANT'S RESPONSE: This standard is not applicable as the submitted tentative plan does not propose a division by boundary, ROW or drainage way.

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

- 1. Lot elevations may not be altered to more than an average of three feet from the natural pre-existing grade or contour unless approved otherwise by the city.**
- 2. Cut slopes shall not exceed one foot vertically to one and one-half feet horizontally.**
- 3. Fill slopes shall not exceed one foot vertically to two feet horizontally.**

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

APPLICANT'S RESPONSE: The subject property is relatively flat, and no significant cuts or fills are proposed. Grading for infrastructure installation associated with preparation for development of the proposed lots can comply with these requirements.

- 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.

APPLICANT'S RESPONSE: Through or double-frontage lots are not proposed as part of the subdivision.

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

APPLICANT'S RESPONSE: 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.**

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

15.92.020 Easements

- A. Utility lines. Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 10 feet wide and centered on a rear and/or side lot line unless approved otherwise by the City. Utility pole tie-back easements may be reduced to 5 feet in width.**

APPLICANT'S RESPONSE: The submitted tentative plan is designed to accommodate utility easements in accordance with this section.

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

APPLICANT'S RESPONSE: This standard is not applicable as the subject property is not traversed by a water course.

- 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.

APPLICANT'S RESPONSE: This standard is not applicable as the pedestrian and bicycle ways, as described by this standard, is not proposed. Instead, local streets within the subdivision will be shared between vehicles and bicycles. Additionally, the subdivision contains paved sidewalks to facilitate pedestrian traffic.

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.

APPLICANT'S RESPONSE: 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. Any necessary easements will need to be arranged with the Developer.

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.**

APPLICANT'S RESPONSE: In discussions of the proposed subdivision with City Staff, neither (A) nor (B) were found to be applicable to the proposed subdivision.

- C. In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.**
- D. If there is a systems development charge in effect for parks, the foregoing land**

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

APPLICANT'S RESPONSE: In discussions of the proposed subdivision with City Staff, neither (C) nor (D) were found to be applicable to the proposed subdivision.

- 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%.

APPLICANT'S RESPONSE: The proposed subdivision does not meet the 30% threshold stated in (E).

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.

APPLICANT'S RESPONSE: This section is procedural. Plan review and approval is required, and improvement activities cannot commence until such review and approval has been conducted by the City or designated representative. Such review and approval is at the expense of the developer (unless stipulated otherwise by the City per policy).

- 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.

APPLICANT'S RESPONSE: Modification to improvement work is to comply with this standard.

- 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.**

APPLICANT'S RESPONSE: This standard is procedural and requires improvements to be designed, installed and constructed as platted and approved. Additionally, plans are to be filed with the final plat at the time of recordation unless otherwise required by the City of La Pine.

- 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.**

APPLICANT'S RESPONSE: This standard is procedural and requires Improvement work to be constructed under the inspection and approval of an inspector designated by the City of La Pine and specifies cost of fee alternatives.

- 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.**

APPLICANT'S RESPONSE: All utilities will be installed underground, within the public rights-of-way and constructed prior to surfacing of the streets as required and designed by the servicing utility.

- 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.**

APPLICANT'S RESPONSE: This section is procedural, and As-built plans for public improvements will be prepared by a licensed engineer and filed with the City upon completion of the improvements. Filing of the plans will be provided in accordance with this criterion.

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.

APPLICANT'S RESPONSE: This section is procedural. In the event bonding for improvements is pursued, Applicant understands they will be subject to the requirements of this section, unless specified otherwise by the City of La Pine (e.g. policy).

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.**

APPLICANT'S RESPONSE: This section is procedural, and applicant understands that (A) and (B) above will likely be imposed as conditions of approval in the City's decision.

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.

APPLICANT'S RESPONSE: Applicant understands that the City may want to require a maintenance surety bond as a condition of approval.

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.

APPLICANT'S RESPONSE: Notwithstanding the provisions of ORS 92.097, Applicant acknowledges the possibility of the provisions of this section, although no special services are anticipated.

15.18.400 (B), Development Standards, continued...

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.**

APPLICANT'S RESPONSE: Adequate public facilities are available to serve the development and will be extended to the serve the lots of each phase in accordance with City of La Pine Standards and Specifications at the time each phase is developed. No issues of deficiency have been identified. Will serve letters from the servicing utilities are included with this application.

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.**

APPLICANT'S RESPONSE: This criterion is not applicable as there are no significant scenic, archaeological, natural, historic and unique resources on the property.

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)**

APPLICANT'S RESPONSE: The proposed name for the subdivision, "Marx Meadows" complies with this criterion. The proposed name will be submitted to the County Surveyor for confirmation prior to final plat filing.

7. **The streets and roads are laid out so as to conform to an adopted Transportation System Plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.**
8. **Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.**
9. **Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.**

APPLICANT'S RESPONSE: The submitted Tentative Plan demonstrates compliance with criteria (7) through (9). More specifically, the Tentative Plan provides for connectivity to streets and utilities on developed abutting properties and complies with the adopted TSP. Proposed streets will be dedicated to the public and intended for public use. There are no adverse impacts on or by neighboring properties or uses, including the natural environment.

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.

APPLICANT'S RESPONSE: As previously addressed above, and evident from review of the submitted Tentative Plan, the development is designed to provide for future access to abutting properties (e.g. connectivity). This includes access for vehicular and pedestrian traffic, public facilities, as well as services and utilities.

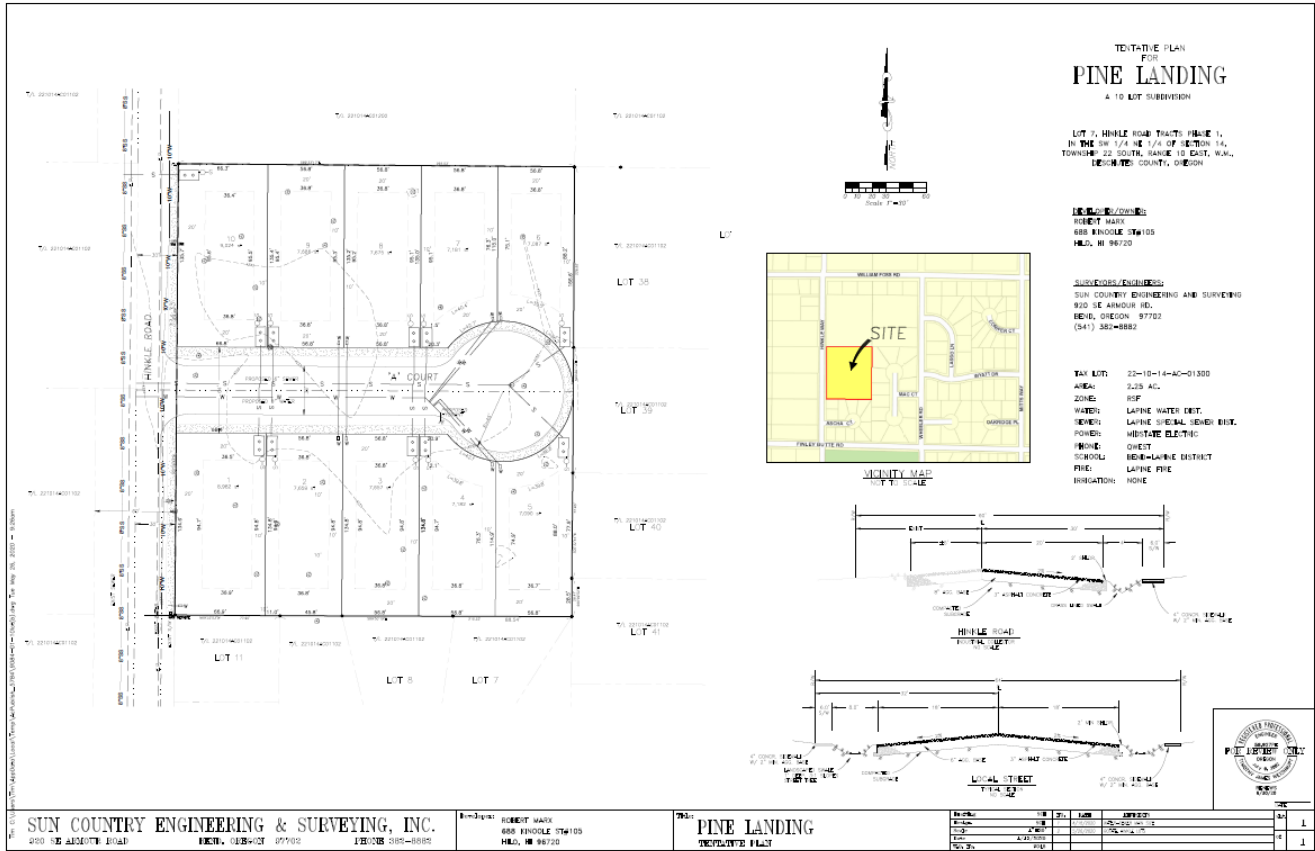
15.406.040 Subdivisions and PUD Review

- A. Review of a subdivision or planned unit development shall follow the Type III review procedures set forth in 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.**

APPLICANT'S RESPONSE: This section is procedural and Applicant understands that the proposal for a subdivision will be processed by City staff in accordance to Type III review procedures set forth in Article 7 and that City Staff is required to provide notice to the public of the hearing and will hold a public hearing before the La Pine Planning Commission in accordance to the applicable requirements in Article 7.

V. CONCLUSION:

Based on Applicant's demonstration of compliance with all applicable review criteria and standards, coupled with submitted plans and materials for Subdivision, Applicant's proposal for a 10-lot subdivision in the RSF District, meets all applicable La Pine Development Code criteria and standards, thus, warrants approval.





First American

First American Title Insurance Company

395 SW Bluff Drive, Suite 100
 Bend, OR 97702
 Phn - (541)382-4201
 Fax - (866)524-9203

**PUBLIC RECORD REPORT
 FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Seller Directed

Phone:

Fax:

Date Prepared : January 23, 2020
 Effective Date : 8:00 A.M on January 09, 2020
 Order No. : 7069-3383348
 Subdivision : HINKLE ROAD TRACTS PHASE 1

The information contained in this report is furnished by First American Title Insurance Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

A. The Land referred to in this report is located in the County of Deschutes, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof

D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

First American Title Insurance Company
Public Record Report for New Subdivision or Land Partition
Order No. 7069-3383348

EXHIBIT "A"
(Land Description Map Tax and Account)

Lot 7, HINKLE ROAD TRACTS, Phase 1, Deschutes County, Oregon.

Map No.: 221014AC01300
Tax Account No.: 168513

First American Title Insurance Company
Public Record Report for New Subdivision or Land Partition
Order No. 7069-3383348

EXHIBIT "B"
(Vesting)

Robert Phillip Marx

First American Title Insurance Company
Public Record Report for New Subdivision or Land Partition
Order No. 7069-3383348

EXHIBIT "C"
(Liens and Encumbrances)

1. City liens, if any, of the City of La Pine.
2. Subject to rules and regulations, including the levies, liens, assessments, rights of way, and easements of La Pine Special Sewer District.
3. Conditions of Approval as disclosed on the official plat of said land.

NOTE: Taxes for the year 2019-2020 PAID IN FULL

Tax Amount:	\$705.28
Map No.:	221014AC01300
Property ID:	168513
Tax Code No.:	1108

NOTE: Notice of Written Order, Deschutes County Forestland Classification Committee, recorded January 17, 2019 as Instrument No. 2019-01721, Deschutes County, Oregon.

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

First American Title Insurance Company
Public Record Report for New Subdivision or Land Partition
Order No. 7069-3383348

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

2. **Liability of the Company.**
 - (a) THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.
 - (b) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (c) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

Sun Country Engineering & Surveying, Inc.
 920 SE Armour Drive Bend, Or 97702 (541)382-8882

TRIP GENERATION LETTER
 for
Pine Landing Subdivision
51430 Hinkle Way,
A 10 Lot Residential Subdivision in the City of La Pine, Deschutes County, OR

Trip generation estimates are prepared using the standard reference *Trip Generation, 10th Edition*, published by the Institute of Transportation Engineers (ITE). The land use category that best describes the proposed residential subdivision is ITE Land Use Category 210: *Single-Family Detached Housing*. It is described within the ITE manual as follows:

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

Trip generation estimates based on the application of this category are summarized here.

Estimated Trip Generation (ITE 10th Edition)

Land Use	ITE Code	Size (Units)	Weekday Trips	Weekday PM Peak Hour		
				Total	In	Out
Single-Family Detached Housing <i>General Urban/Suburban</i>	210	10 Units	94 <i>9.44/unit</i>	10 <i>0.99/unit</i>	6 63%	4 37%

Trip generation estimates for the proposed subdivision identify approximately 94 weekday daily trips, 10 of which are expected to occur during the weekday p.m. peak hour. The La Pine Transportation System Plan requires a Transportation Impact Analysis (TIA) for new developments expected to generate 200 or more weekday daily trips, or 20 or more weekday p.m. peak hour trips. Therefore, a TIA is not required for this application.

Sincerely,


 Tim Weishaupt, P.E.
 OR 58,927



INVOICE



Date: April 21, 2020
 Invoice # 1143
 City of La Pine
 PO Box 2460
 La Pine, OR 97739
 541-536-1432
 Fax 541-536-1462
 tread@lapineoregon.gov

TO Robert Marx
 688 Kinoole St #105
 Hilo, HI 96720

INVOICE DATE	DATES OF SERVICE	PAYMENT TERMS	DUE DATE
April 21, 2020	n/a	Net 15	5/6/2020

QTY	DESCRIPTION	UNIT PRICE	LINE TOTAL
1	Notice of Public Hearing 01SUB-20		\$369.35

SUBTOTAL	\$369.35
SALES TAX	0
TOTAL	\$369.35

Make all checks payable to City of La Pine
 Thank you!

From: [Howard Nielsen](#)
To: [Recorder](#)
Cc: [Howard Nielsen](#)
Subject: Public Hearing # 01SUB-20
Date: Tuesday, May 12, 2020 1:31:10 PM

Hello

We have a few things we would like to address about this devolvement at 51430 Hinkle Way

First can we not have a clear cuting of ALL the pine trees especially any and all the Ponderosa trees if any on this property

Second dust control during devolvement of this property

Third will this be stickbuilt homes or manufactured homes

We hope It's stickbuilt homes

We are the owners of the property on Ascha Court back up to the devolvement on Hinkle Way

Thank You

Howard and Sue Nielsen

16606 Ascha Court

La Pine

97739

619 977 9744

Hnielsen1937@gmail.com

This, Too, Will Pass

Say a Prayer

CC hnielsen1937@gmail.com

Fwd: 51430 Hinkle property



Tammy Wisco <twisco@retiaconsult.com>
To: Kelly Notary
Cc: Alexa Repko

[Reply](#) [Reply All](#) [Forward](#)
Mon 5/25/2020 10t

FYI. For the record.

The City doesn't have a policy for requiring a fence, but we can add a condition for construction to ensure all debris is managed on site and removed as reasonably soon as possible.

Tammy Wisco, PE, AICP, MPA | RETIA CONSULT, LLC
c. 210 896 9432
P.O. Box 631, Bend, OR 97709

Begin forwarded message:

From: Bill LeVeaux <bill_leveaux@msn.com>
Subject: 51430 Hinkle property
Date: May 23, 2020 at 10:31:39 AM PDT
To: "twisco@retiaconsult.com" <twisco@retiaconsult.com>

Hello Tammy, we reviewed the development plan for this subdivision and have one concern and comment. Can there be a requirement for a solid 5 ft. Perimeter fence on the three sides to mark property lines and keep construction debris out of surrounding undeveloped properties. We still run across trash on our property edges that was tossed in from past litterbugs. The fence would help contain debris to their own area especially during construction. We otherwise feel the size of lots would lead to a nice residential area in the future like the Mac court area. Thank you.

Bill LeVeaux
541-977-3350
51475 Wheeler
LaPine, OR

May 28, 2020

To Planning Commission:

After reviewing all available paperwork submitted, and as a resident who lives on the NE corner of this proposed subdivision at 51441 Mac Court, I have a few questions/comments:

1. Our property line does not have a fence that divides us from the proposed subdivision. Does the builder intend to build a fence between our properties or will it be around the entire subdivision?
2. Will these proposed houses be 1 or 2 stories?
3. Comment: When observing the preparation of building and readying the infrastructure in the La Pine area, many companies have a tendency to take down every single living tree on the property. The builder who devised the Mac Court subdivision did not do that as we still have many mature trees on our properties and it adds to the esthetic beauty of our neighborhood. How careful or careless will you be in putting in the infrastructure whilst maintaining some of the natural beauty that this property provides? There are tall thriving ponderosas on this property behind Lot 38 for example. (*I have texted a picture of one ponderosa in particular to Tammy Wisco, that does not appear to be in the way of any structure or the proposed street that will be built.)
4. Last, with all the current building and growth currently going on in La Pine, I hope the planning commission keeps the integrity of plenty green spaces that have brought all of us residents here in the first place.

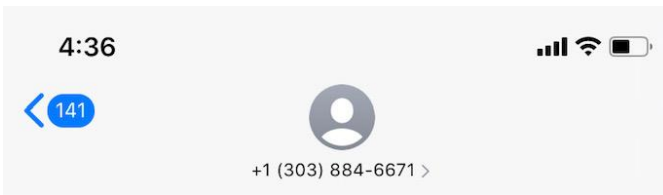
Respectfully,
M. Noreen McDaniel-Doran

On Wed, May 27, 2020 at 4:01 PM noreen doran <noreenmcdoran@gmail.com> wrote:

Tammy,
Thanks for the update. Yes, based on where we live, this new change does not impact us any differently. For clarification sake, we live at the NE corner of the property, and I believe it would hypothetically be, Lot 37 as our property sits in the corner and there are 4 lots that are below us that line up with the property line for the proposed "Pine Landing," or "Marx Meadows."

Based on what I could tell by measuring outside, the ponderosa trees may likely be consumed by either the house or street. Could you give me the measurements of the house? That would be most helpful to know before sending the pictures.

Thank you,
Mary Noreen Doran



Text Message
Today 9:26 AM



Pic of a thriving ponderosa that sits right outside of Lot 38 for submission Re: tentative plan for Pine Landing subdivision. Email has been sent regarding this comment. Thank you, Mary Noreen McDaniel-Doran on Mac Court, La Pine.

From: Erik Huffman <ehuffman@beconeng.com>
Subject: Re: 01SUB-20 Hinkle
Date: May 21, 2020 at 8:24:45 AM PDT
To: Tammy Wisco <twisco@retiaconsult.com>

Hi Tammy,

1. Lots 1 and 10 shall be accessed via access easements leading to the new public street. The access easements shall be created on the subdivision plat. There shall be no direct access for any lot to Hinkle Way.
2. Upon land use approval, developer shall submit engineered construction plans per City of La Pine public works standards for review and approval.
3. 2 foot right of way dedication shall be required along Hinkle Way, and shall be dedicated on the subdivision plat.
4. Developer shall contribute a pro-rata share of (\$6007) per lot toward necessary upgrades to the sewer pump station at Reed Rd.
5. All septic tanks shall be constructed per City of La Pine public works standards and the maintenance of septic tanks shall be the responsibility of property owners.

Thanks a lot, -Erik

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

From: Erik Huffman <ehuffman@beconeng.com>
Subject: Re: 01SUB-20 Hinkle
Date: May 21, 2020 at 10:35:56 AM PDT
To: Tammy Wisco <twisco@retiaconsult.com>

Great point! Looks like they should have two street lights. One at the intersection and one in the cul de sac. We should require 2.

Street lights shall be shown on the plans and provided at the following locations:

- ♣ *Intersections*
- ♣ *Cul-de-sac if over 200 feet from the intersection*

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

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

FILE No. 01SUB-20

**OWNER/
APPLICANT:** Robert Marx
688 Kinoole Street #105
Hilo, HI 96720

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

**LAND USE
CONSULTANT:** Chris Schmoyer, Principle Planner
Schmoyer Land Use Consulting, LLC
60939 Zircon Drive
Bend, OR 97702

LOCATION: The subject property is identified as Tax Lot 1300 on the Deschutes County Tax Assessor Map 11-10-14AC and has an assigned address of 51430 Hinkle Way, La Pine.

REQUEST: The applicant is requesting approval of a Tentative Plan for a 10-lot residential subdivision in the Residential Single-Family (RSF) Zone.

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

City of La Pine Development Code

Article 3. Zoning Districts

- Chapter 15.18 Residential Zones

Article 5. Development Standards

- Chapter 15.80 Development Standards, Generally
- 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

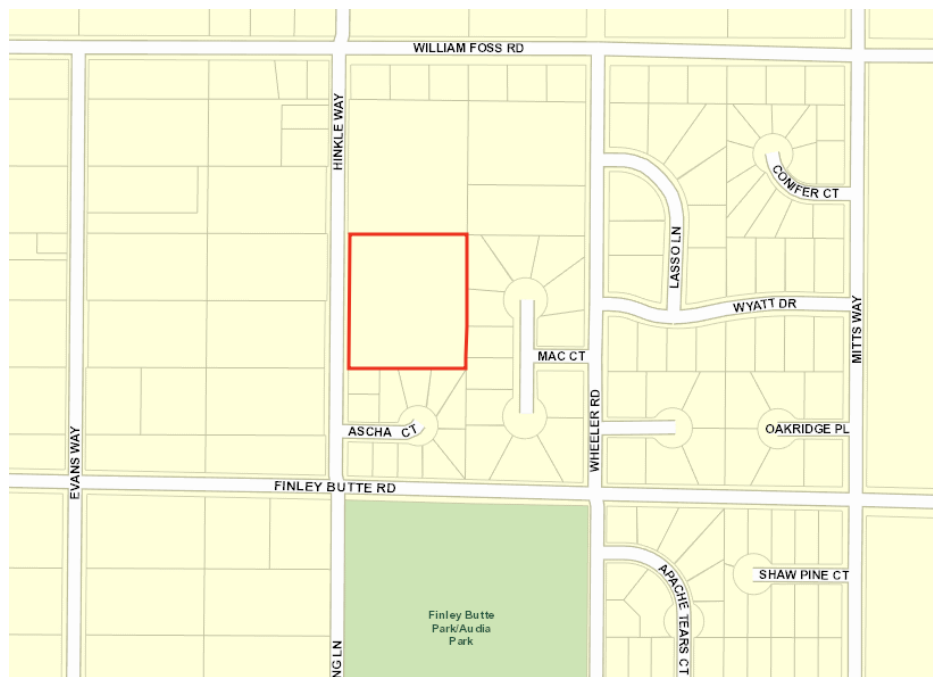
City of La Pine Transportation System Plan

II. INTRODUCTION

The proposed 10-lot subdivision is on Hinkle Way, south of the Newberry Business Park. Staff recommends several conditions of approval at the end of the staff report, for compliance with the La Pine Development Code. Comments from City Public Works and Engineering are incorporated in this staff report. At the time of drafting the staff report, no public comments had been received.

III. FINDINGS OF FACT:

LOCATION: The subject property is identified as Tax Lot 1300 on the Deschutes County Tax Assessor Map 11-10-14AC and has an assigned address of 51430 Hinkle Way, La Pine. The property is located on the east side of Hinkle Way and is north of Finley Butte Road and south of William Foss Road. The subject property is identified in the figure below.



ZONING: The subject property is zoned Residential Single Family Zone (RSF) and Residential Single Family Zone (RSF) on the La Pine Comprehensive Plan Map.

SITE DESCRIPTION: The subject property is approximately 2.25 acres in size and rectangular in shape. The property is currently vacant and the topography is relatively level supporting a 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 Hinkle Way, a public right-of-way that is classified as an Industrial Collector in the La Pine Transportation System Plan and maintained by Deschutes County.

SURROUNDING USES: Surrounding properties are all within the RSF Zone as well, the majority of which are residentially developed. To the south and east are residential lots within the Hinkle Park and Wheeler Ranch Phase 2 subdivisions. These lots are of a similar size and configuration to those proposed. To the west are developed and vacant properties slightly over one acre in size. The property to the north is 2.43 acres and is residentially developed as well. Approximately 330 feet south is the Finley Butte Park/Audia Park.

LOT LEGALITY: Pursuant to Section 15.304.020(A), the subject property is a legal lot of record as it is as Lot 7 of the Hinkle Road Tracts Phase 1 subdivision, recorded as County Survey 14106 on July 3, 2000.

PUBLIC NOTICE AND COMMENTS: The City of La Pine sent notice of the application to the Planning Commission and to the property owners within 100 feet of the subject property on 4/21/20. Notice was also posted on the site on 4/21/20. Notice was published in two local papers (Wisebuys, 4/28, and Bulletin, 4/23). No public comments were received. 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 Division, Deschutes County Road Department, City Engineer, Public Works Department, and the Office of the State Fire Marshal. All comments received are incorporated herein.

IV. APPLICATION OF THE CRITERIA:

CONFORMANCE WITH CITY OF LA PINE ZONING ORDINANCE

Article 3. Zoning Districts

- **Chapter 15.18 Residential Zones**

15.18.400 Development Standards

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

B. Development Standards. The development standards for residential zones are presented in Table 15.18-2. Development standards may be modified as provided by Chapter 15.320, Variances. Additional standards may apply to specific zones or uses, see Section 15.18.500. Footnotes in the table correspond to the sections below.

1. Minimum density standard in the RSF zone only applies to subdivisions. Development on existing lots and partitions are exempt from this standard.
2. Accessory dwellings do not count toward the maximum density standard in the RSF zone.

Table 15.18-2 — Development Standards in the Residential Zones

Standard	RSF	RMF
Minimum density	1 unit per acre (1)	5 units per acre
Maximum density	7 units per acre (2)	40 units per acre

Minimum lot size	None	None for single-family dwelling, cottage cluster development, duplex, or townhomes. Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the same property, provided that urban services are available to serve the development.
Minimum street frontage	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes
Minimum setbacks	--	--
- Front or street-side yard	20 feet	20 feet
- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
Maximum building height	45 feet	45 feet
Maximum lot coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum landscaped area	See Chapter 15.82	See Chapter 15.82

FINDING: Per the Applicant’s Burden of Proof and tentative plan, the Applicant is proposing a density of approximately 4.4 dwelling units per acre (10 lots/2.25 acres), well within the range of 1 to 7 units per acre requirement as specified above. Every proposed lot has greater than 50 feet of street frontage. As such, these requirements are satisfied.

The proposed lot sizes range between 7,231 and 8,245 square feet and are of a large enough size to accommodate dwellings and garages, as well as accessory structures, and comply with the front side and rear setbacks and maximum lot coverage requirements. Compliance with setbacks, lot coverage and building height will be verified for compliance during the building permit review process for the development of each lot. Pursuant to 15.82.010, minimum landscape areas do not apply to single-family dwelling construction. The proposed tentative plan complies, or can comply upon development, with the standards of this section.

15.18.500 Additional Standards

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

1. No dwelling structures shall have visible, unclosable openings, which allow penetration of air, outside elements, or animals into the structure’s interior, except for screened-in porches.

2. All dwelling structures shall be placed on a basement foundation, concrete pad or piers, or other permanent foundation and secured, anchored, or tied down in accordance with the current International Building Code and all other applicable FHA requirements.
3. See Article 5 for additional development standards.

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

Article 5. Development Standards

- **Chapter 15.80 Development Standards, Generally**

15.80.010 Purpose

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

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

15.80.020 Applicability

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

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

15.80.030 Exemption - Lot Size Requirements

- A. The following exemptions to minimum lot size requirements shall apply.
 - a. 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.
 - b. Any parcel of land or portion thereof, which is to be dedicated to a public, semi-public or public utility for a park, school, road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements of this chapter and the applicable zone.
- B. For all other lot size requirements in all other zones, applicants may propose approval of exceptions or variances in accordance with the application requirements in Article 8.

FINDING: Per Table 15.18-2 — Development Standards in the Residential Zones, there is no minimum lot size requirement for the RSF zone, except as determined based upon maximum density requirements. The 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 buildings are 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: No buildings are proposed at this time, but future buildings and structures will be reviewed for conformance with the Development Code when specific development is proposed.

15.80.060 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: Due to minimal traffic volumes from this proposed 10-lot subdivision, a traffic study was not required.

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.

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

FINDING: The Applicant indicated that access management restrictions and limitation are not needed as the proposal is for a 10-lot subdivision that will only access local access roads. Staff notes proposed lots 3 – 8 are arranged so that access could only be obtained from the new road, designated 'A' Court on the tentative plan. Lots 2 and 9 will have double frontage on both the new road and Hinkle Way, while lots 1 and 10 will only have the option to obtain access from Hinkle Way. Although the new road will be designated as a local access road, Hinkle Way is designated as a collector, and is maintained by Deschutes County.

The La Pine Transportation System Plan (TSP) states that, "where parcels are abutted by multiple roadways, access should be provided from the lowest order facility, where feasible" (Section 4, p. 55). In accordance with the criteria above, a condition will prohibit lots 9 and 2 from obtaining driveway access to Hinkle Way.

The TSP goes on to provided further access distancing standards:

- Access points on local streets shall be a minimum of ten feet (10') apart as measured from edge of driveway to edge of driveway.

- Access points on Collector Streets shall be a minimum of one hundred feet (100') apart as measured from centerline of access to centerline of access.

Lot 11 of the Hinkle Park subdivision to the south of the subject property was the only lot in that subdivision permitted to have direct access to Hinkle Way (County file no. TP-04-952). The recorded plat for Hinkle Park (CS 16625) indicates lot 11 has 64.24 feet of frontage on Hinkle Way. The access driveway at lot 11 appears to be constructed approximately 40-45 feet south its common boundary of proposed lot 1.

Proposed lot 1 has 65 feet of frontage on Hinkle Way, its only property line abutting a right-of-way. The 100-foot distancing requirement from the driveway to the south effectively prohibits access at lot 1. For this reason, the Applicant must propose an alternative configuration of lot 1 in order to demonstrate safe and practical vehicular access to the proposed new local street ("A" Court), or provide an access easement across proposed lot 2 for access to the proposed "A" Court.

As access to lot 10 can be reasonably provided from the proposed "A" Court, the Applicant must either proposed a configuration that allows direct connection to "A" Court, or the Applicant shall record an access easement on lot 9 for access to lot 10.

In summary, all proposed lots shall be accessed from the proposed "A" Court, with no individual parcel access onto Hinkle Way. To accomplish this, lots 1 and 10 shall either be reconfigured, or access easements shall be provided across lots 2 and 9. If access easements are provided, they shall be created on the subdivision plat and shall be reviewed and approved by the City Engineer.

- 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.

- 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: It does not appear that the proposed development will cross a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency. However, the Hinkle Way is County-maintained road, and approval for access to and modifications of the public right-of-way will require a permit from the County Road Department. This has been included as a condition of approval.

- 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.

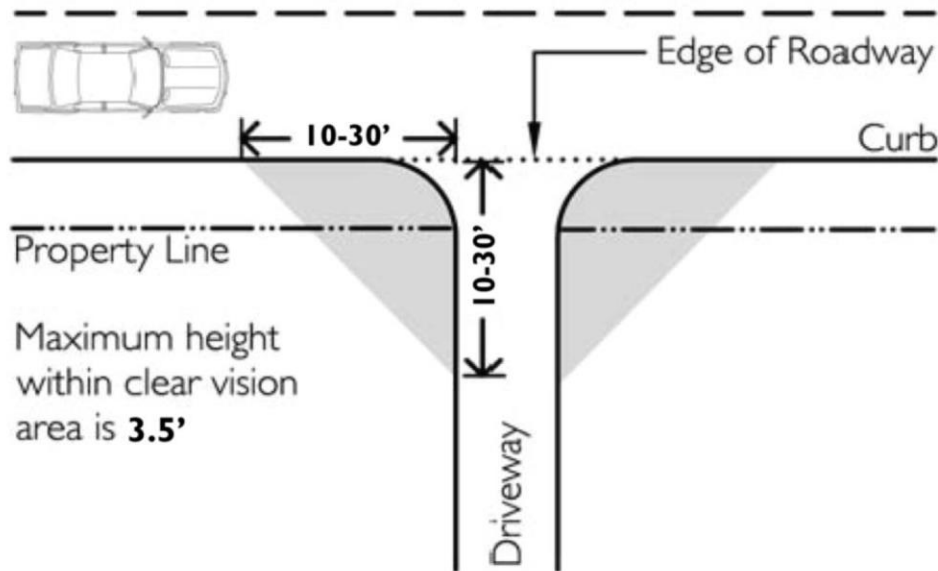
FINDING: The Applicant is not proposing any joint use driveways. As such, this requirement does not apply at this time.

15.88.040 Clear Vision Areas (Visibility at Intersections)

- A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.
- B. A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad (see Figure 18.88-1). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the City.
 - 1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, 10 feet.
 - 2. In all other zones, the minimum distance shall be in relationship to street and road right of way widths as follows:

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

Figure 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:
 - a. **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.
 - b. **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:
 - i. 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.
 - ii. 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.

- iii. **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.
- iv. **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.
- v. **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.
- vi. **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 cross sections on the tentative plan includes 6-foot sidewalks within the right of way on both sides of new street and along Hinkle Way, in accordance with the City’s TSP. These sidewalks connect to the sidewalks in the adjacent Hinkle Park subdivision to the south. Final construction plans shall detail the transition between the new sidewalks and existing sidewalks.

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: No half streets are proposed. No agency comments received indicated inadequate width or improvement standards; therefore, not additional improvements to existing rights-of-way are required.

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 were received from the City Engineer on May 21, 2020, which address these approval criteria, and are detailed here. The City Engineer's comments related to sewer and water are included here as recommended conditions of approval:

- Upon land use approval, developer shall submit engineered construction plans per City of La Pine public works standards for review and approval.
- All septic tanks shall be constructed per City of La Pine public works standards and the maintenance of septic tanks shall be the responsibility of property owners.
- The Industrial Park lift station is nearing capacity and will require a replacement to provide capacity to development in the project area. The cost to replace the Industrial Park Lift station is \$637,000. The total number of Equivalent Dwelling Units anticipated at build out in the basin are 1,120. Therefore, the development shall contribute \$568.75 for each EDU toward a fund for replacement of the Industrial Park lift station. This fee must be submitted prior to release of building permits.

Comments received from the City Public Works Manager on April 16, 2020, which address these criteria, are detailed here. The Public Works Manager's submitted comments, summarized as:

- Sizing for all new water/sewer pipes need to be identified on the plans.
- The new hydrant needs to be protected with four bollards and have a snow flag.

- The configuration of all service lines must be a continuous pipe having not angle fittings or couplers. The proposed configuration of the hydrant and water service pipes are not acceptable.
- A fee associated with the Industrial Park Lift Station will be required as the subdivision will add to the use of that facility.

Prior to construction, construction plans detailing all infrastructure improvements, shall be submitted to the City for review and approval. These shall comply with all City Public Works Standards, including but not limited to, final sizing for all water/sewer pipes, protection of hydrants with four bollards, and configuration of service lines without angle fittings or couplers.

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 landscape swales in the right-of-way are designed to accommodate all anticipated drainage and run-off demands resulting from the development. Grading and drainage plans shall be submitted to the City Engineer for review and approval for compliance with this standard and City Public Works standards, prior to construction and prior to issuance final plat. With a few conditions of approval, the stormwater requirements can be met:

- 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 geotechnical report or other verifiable documentation.

15.90.050 Utilities

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

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

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

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

C. Subdivisions. In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:

- a. 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.
- b. The City reserves the right to approve the location of all surface-mounted facilities.
- c. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
- d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

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

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

FINDING: An exception to the undergrounding standard is not anticipated by 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: Due to the size and configuration of the subject property and the resulting number of lots, only a single new street, ending in a cul-de-sac is proposed. It is proposed to meet Hinkle Way at an approximate right angle and at relatively flat grades. The new street is proposed to be constructed to the City's TSP requirements for a local street. A trip generation report was submitted, indicating generation of a total of 10 trips in the weekday PM peak hour. As these limited number of trips are not anticipated to have a significant effect on any area roadways, a traffic analysis was not required.

- B. Street location and pattern. The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:**
 - a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or**
 - b. 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**
 - c. Conform to the adopted La Pine Transportation System Plan as may be amended.**

FINDING: In response to these criteria, the Applicant stated in the Burden of Proof:

As depicted on the tentative plan, the street grid proposed consists solely of a 64-foot-wide public right-of-way, identified as "A" Court, that terminates at the east boundary of the property in a cul-de-sac, which is designed to provide for sufficient emergency vehicular access and turn around.

Provision for the continuation or appropriate projection of existing principal streets in surrounding areas is not applicable. As previously described above, properties to the east and south are developed with subdivisions. These subdivisions, Hinkle Park and Wheeler Ranch Phase 2, include streets terminating in cul-de-sacs that are not oriented toward the subject property making any connectivity impossible.

Property to the north is Tax Lot 1200, 22-10-14AC, a 2.43 acre parcel developed with a single-family dwelling. The provision of street orientation of the proposed subdivision to provide connectivity with any future subdivision on Tax Lot 1200 is not necessary, nor warranted, as connectivity to undeveloped properties to the east of Tax Lot 1200 can be provided at such time Tax Lot 1200 is subdivided. No future planned streets are identified on the City's Transportation maps within the boundaries of the subject lot. Such location and pattern of the proposed street conforms to the La Pine Transportation Plan and these standards can be satisfied.

Criterion (B)(1) above imposes a requirement for extending streets in the surrounding area. An ideal layout would be continued streets within the proposed and adjacent subdivisions that would connect streets throughout the neighborhood while minimizing the use of cul-de-sacs. The TSP and Comprehensive Plan promote alternative forms of transportation and facilitating pedestrians and cyclists. However, given the existing development and street pattern in this area, there are no adjacent streets to extend from and continue through the proposed subdivision. Therefore, the proposed street pattern is considered acceptable in this instance.

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: Mac Court to the east and Ascha Court to the south both terminate in cul-de-sacs. As both subdivisions are fully developed, there remains no available land to create an access way to connect the existing and proposed cul-de-sacs. As such, an access way will not be required.

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: The Applicant did not submit a future street plan in conjunction with the application, as required by this section.

East: The properties to the east are developed residential lots within the Wheeler Ranch Phase 2 subdivision that obtain access from Mac Court. As these lots are already developed as there is no adjoining divisible land or right-of-way, no future street extension to the east is required.

West: Land to the west is separated from the subject property and served by Hinkle Way. No street extensions are warranted or possible.

North: Directly north of the subject property is tax lot 1200 and to the northeast are tax lots 1100 and 1102. These three lots are all within the Residential Single-Family Zone and are capable of being developed under similar regulations as the subject proposal. Tax lot 1200 to the north is 2.43 acres in size, slightly larger than the subject property. Pursuant to Table 15.18-2, it is capable of being divided at a density of 3 to 17 single family lots. The Applicant suggests that future street connections are not required in the proposed subdivision, and that connectivity to the east can be provided during the subdivision of tax lot 1200. The Applicant also states the provision on street connectivity on tax lots 1200, 1100, and/or 1102 would be in alignment with Lasso Lane along Wheeler Road.

Access to the properties to the north is currently available via Hinkle Way and Wheeler Road and a future east-west connection through the properties is feasible. A street extension from the subject property to the north is not required as it would not enable the future division of properties to the north where none currently exists.

South: The properties to the south are developed residential lots within the Hinkle Park subdivision that obtain access from Ascha Court and Hinkle Way. As these lots are already developed and there is no adjoining divisible land or right-of-way, no future street extension to the south is required.

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

FINDING: Below is Table 4-4 excerpted from page 61 and cross sections from pages 64-65 of the La Pine TSP identifying Roadway Cross-Section Standards:

Roadway Cross Section Standards

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

Table 4-4 Roadway Cross-Section Standards

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

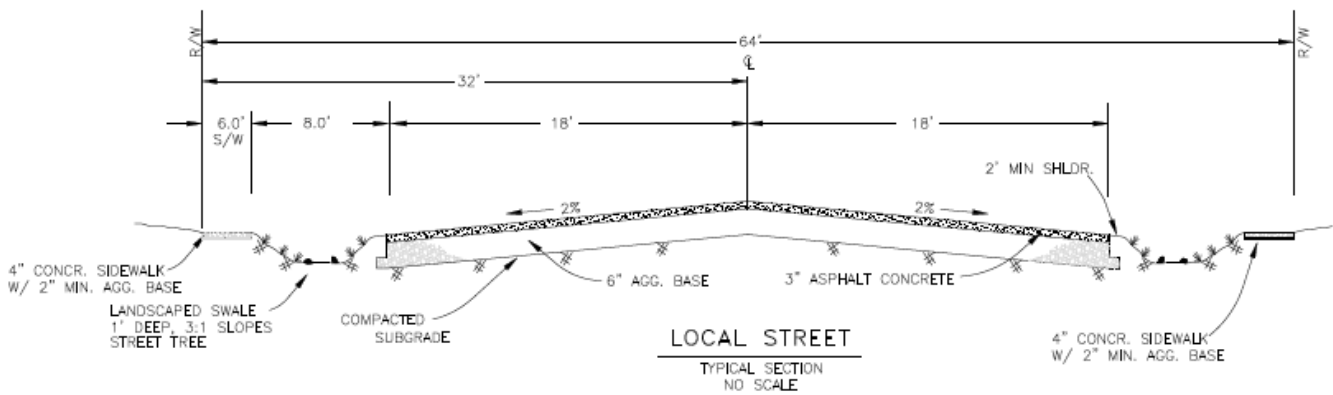
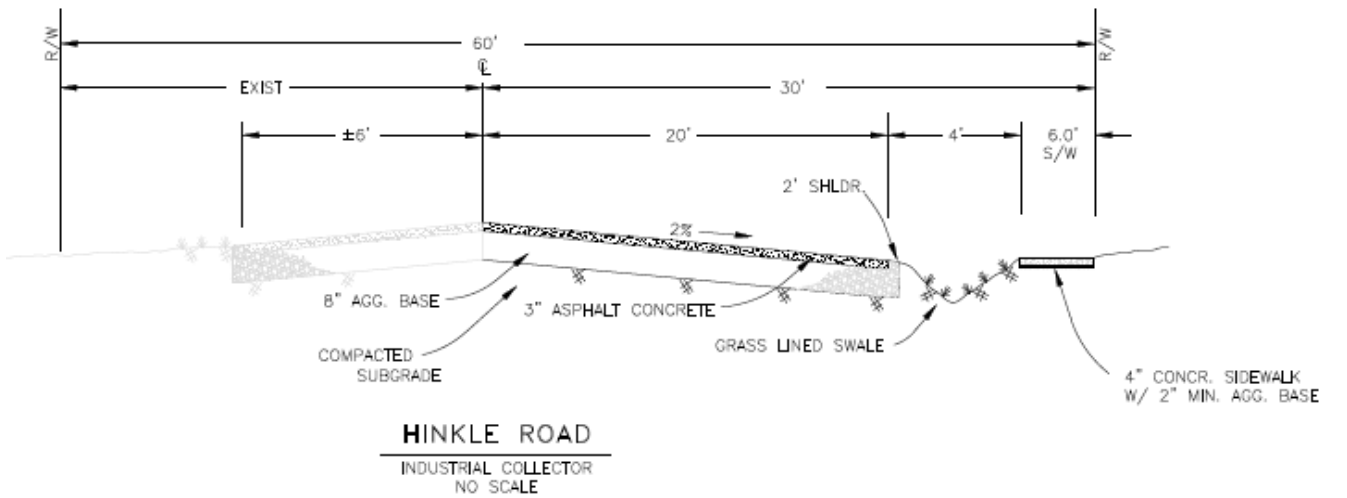
¹ On low volume, low speed (>30 mph) facilities, alternative bicycle facilities can be considered at the discretion of the City

² On-street parking provide adjacent to commercially zoned properties



Hinkle Way is classified as an Industrial Collector while the proposed 'A' Court will be designated as a local road. As depicted in the street cross sections on the tentative plan and below, the proposed street rights-of-way and paving widths comply with dimensional properties of the La Pine Transportation System Plan, except for the lack of differentiation between the vehicle and bicycle travel lanes on Hinkle Way. As

Hinkle Way has no surface paint, so long as the paved width is met there appears to be no conflict. The proposal meets the requirements of this standard, as practical and applicable.



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

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

FINDING: The Applicant states 4-foot sidewalks are proposed, however the tentative plan street cross section indicates 6-foot sidewalks in compliance with the TSP requirements. As noted previously, construction plans shall be submitted to the City for review prior to road and sidewalk 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 above), as cyclists can use the roadway surface of the proposed local street network. Industrial Collectors require 6-foot bicycle lanes. The applicant's submitted road sections do not indicate bicycle lanes, but do demonstrate adequate paved width to accommodate a bicycle lane. As Hinkle Way has no lane markings or other surface paint, it appears the width to accommodate vehicles and cyclists is adequate. Should the Planning Commission wish to require lane markings, this can be included as a condition of approval.

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:

- a. 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.
- b. 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.
- c. 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: Subsection (H) is applicable as a cul-de-sac is proposed within the subdivision. The proposed cul-de-sac meets the dimensional requirements above. As previously described above, due to orientation of the street network of abutting subdivisions, which terminate in cul-de-sac streets, use of a cul-de-sac street is necessary in the proposed subdivision and found to be acceptable by City Staff.

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

FINDING: The subject property does not abut any arterial streets. This criterion does not apply.

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.

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: Due to the existing development and street pattern, this criterion does not apply.

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

FINDING: The proposed local street intersects Hinkle Way at a right angle, in compliance with this criterion.

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: No alleys are proposed.

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.

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

Context-Sensitive Variation

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

Context-specific considerations include:

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

Based on the above, the location of the proposed project being in an outlying area of the city, with no curbed streets in the vicinity, curbs may not be necessary for the proposed subdivision and the applicant proposes the landscape swales as depicted on in the local street cross section illustrated on the submitted Tentative Plan are more appropriate, efficient, and effective in this area.

The City Engineer has not specifically approved the street design without curbs. Staff suggests that prior to construction, the applicant shall submit construction documents including the presence of special circumstances to the City for review and approval of the curb-less street design.

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. The City Engineer submitted the following comment and it is included here as a suggested condition of approval:

- *Street lights shall be required at the street intersection of "A" Court and Hinkle Way and in the cul-de-sac, per City design standards.*

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. The demonstrate feasibility, prior to approval of the final plat, the developer shall submit letters from relevant utility providers indicating the utility is willing and able to serve the proposed subdivision.

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 proposed drainage swales will be in accordance with applicable standards. Prior to construction, applicant shall submit construction plans and stormwater calculations to the City Engineer for review and approval. With this condition, this criterion is satisfied.

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

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

15.90.080 Traffic Impact Analysis

A. Purpose. The purpose of this subsection is coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.

B. When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:

- a. A change in zoning or a plan amendment designation;
- b. Operational or safety concerns documented in writing by a road authority;
- c. An increase in site traffic volume generation by [300] Average Daily Trips (ADT) or more;
- d. An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;
- e. 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;
- f. 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;
- g. A change in internal traffic patterns that may cause safety concerns; or
- h. 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: The submitted trip generation letter indicates that the proposed subdivision will result in 10 weekday PM peak hour trips and 94 ADT. This ADT is well under the threshold to require a TIA and the peak hour trips are small enough that no significant impacts are anticipated. As such, the submittal of a Transportation Impact Analysis (TIA) was not required.

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.

- a. The standard improvement conflicts with an adopted capital improvement plan.
- b. The standard improvement would create a safety hazard.
- c. 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.
- d. 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 subdivision is located in an area of developed subdivisions with cul-de-sacs and larger properties containing a single dwelling. In response to this criterion, the Applicant stated:

Block length from "A" Court to the Ascha Court to the south is approximately 322 feet and block length from "A" Court to Finley Butte Road and Hinkle Way intersection is approximately 465 feet. Block length from "A" Court to William Foss/Hinkle intersection is approximately 630 feet. Block length requirements are met.

Being an infill project with properties to the east and south developed with cul-de-sac streets, having no east west streets and properties to the north also lacking east-west streets, the block perimeter maximum cannot be met.

Given the configuration of streets and the development pattern in the area, this criterion is met to the extent possible.

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

FINDING: The proposed lot size, shape and orientation are appropriate for the intended residential development and are consistent with the RSF Zone. There are no topographical constraints imposed by the terrain of the subject property as the entire site is relatively featureless and flat. As such, this criterion is satisfied.

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

FINDING: All proposed lots will abut a public street for a width in excess of 50 feet, including Lots 4 through 7 which front on the cul-de-sac bulb of 'A' Court. This standard is met.

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

FINDING: Lots 1-3 and 8-10 are proposed at right angles to the street. Lots 4-7 have at least one property line that will not be radial to the curve of the street bulb, however, the proposed configuration creates parallel lot lines and results in a more unified appearance across the subdivision. As such, this criterion is satisfied to the extent possible.

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

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

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

- a. 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.
- b. Cut slopes shall not exceed one foot vertically to one and one-half feet horizontally.
- c. Fill slopes shall not exceed one foot vertically to two feet horizontally.
- d. 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.
 - i. 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.
 - ii. 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.
 - iii. 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: Through or double-frontage lots are not proposed as part of the subdivision.

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

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

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

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

15.92.020 Easements

A. Utility lines. Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 10 feet wide and centered on a rear and/or side lot line unless approved otherwise by the City. Utility pole tie-back easements may be reduced to 5 feet in width.

FINDING: The submitted tentative plan 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: No additional pedestrian or bicycle way is required.

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

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

15.92.030 Land for Public Purposes

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

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

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

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

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

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

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

Article 5. Development Standards

- **Chapter 15.94 Improvement Procedures and Guarantees**

15.94.010 Improvement Procedures

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

- A. **Plan review and approval.** Improvement work shall not be commenced until plans therefore have been reviewed and approved by the City or a designated representative thereof. The review and approval shall be at the expense of the developer.
- B. **Modification.** Improvement work shall not commence until after the City has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the City is notified and approval thereof granted.
- C. **Improvements as platted.** Improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the City.
- D. **Inspection.** Improvement work shall be constructed under the inspection and approval of an inspector designated by the City, and the expenses incurred therefore shall be borne by the developer. Fees established by the City Council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.
- E. **Utilities.** Underground utilities, including, but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets shall be constructed by the developer prior to the surfacing of the streets.
- F. **As built plans.** As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the City upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements.

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

15.94.020 Completion or Assurance of Improvements

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

collect the amounts from the developer. The agreement shall also provide for payment to the City for the cost of inspection and other engineer services directly attributed to the project.

- B. **Bond or other performance assurance.** The developer shall file with the agreement, to assure his/her full and faithful performance thereof, one of the following, pursuant to approval of the City Attorney and City Manager, and approval and acceptance by the City Council.
- a. 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.
 - b. 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.
 - c. Cash deposit.
 - d. 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 15.204 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.

- a. **Application Forms.** Applications requiring Quasi-Judicial review shall be made on forms provided by the City Planning Official.
- b. **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:
 - i. The information requested on the application form;

- ii. Plans and exhibits required for the specific approval(s) being sought;
- iii. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
- iv. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
- v. The required fee; and
- vi. Evidence of neighborhood contact, as applicable, pursuant to Section 15.202.050.

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

B. Mailed and Posted Notice of a Public Hearing.

- a. 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:
 - i. The applicant;
 - ii. 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;
 - iii. The owner of a public use airport if the airport is located within 10,000 feet of the subject property;
 - iv. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park;
 - v. The Planning Commission;
 - vi. Any neighborhood or community organization formally recognized by the City Council, whose boundaries include the site;
 - vii. Any person who submits a written request to receive a notice; and
 - viii. 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.

- b. 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
- c. 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.
- d. Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:
 - i. A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;
 - ii. The date, time, and location of the scheduled hearing;
 - iii. The street address or other clear reference to the location of the proposed use or development;
 - iv. 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;
 - v. 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;
 - vi. 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;
 - vii. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
 - viii. 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 100 feet and to the City's agency notification list on 4/21/20. 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 4/21/20 and the in the local paper (Wise Buys) in the 4/28/20 edition, as well as in the Bend Bulletin on 4/23/20, 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 May 28, 2020. Continuances may be allowed in accordance with subsection (G) below.

D. Ex Parte Contact, Personal Knowledge and Bias.

- a. 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:

- i. Publicly announce for the record the substance of such communication; and
 - ii. 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.
- b. 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.
- c. 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:

- a. The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.
- b. A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.
- c. Any facts received, noticed or recognized outside of the hearing shall be stated for the record.
- d. Challenges to the Hearings Body's qualifications to hear the matter shall be stated and challenges entertained.
- e. 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.
- f. 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.
- g. The record shall be available for public review at the hearing.
- h. 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.
- i. Throughout all local land use proceedings, the burden of proof rests on the applicant.
- j. 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.

- a. 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.

- b. 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.
- c. Otherwise, further testimony or evidence will be allowed only if the record is reopened under Subsection H.
- d. 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.

- a. Grounds.
 - i. 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.
 - ii. 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.

- iii. The grant of a continuance or record extension in any other circumstance shall be at the discretion of the Hearings Body.
- b. Continuances.
 - i. 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.
 - ii. An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.
 - iii. 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.
- c. 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:

- a. Who may appeal. The following people have legal standing to appeal:
 - i. The applicant or owner of the subject property; and
 - ii. Any other person who testified orally or in writing during the subject public hearing before the close of the record.
- b. 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 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.
 - a. 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.
 - b. 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.
 - i. 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.
- ii. 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.
- iii. Information concerning proposed subdivision.
1. Location, names, width, typical improvements, cross-sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.
 2. Location, width and purpose of all proposed easements or rights-of-way, and the relationship to all existing easements or rights-of-way.
 3. Location of at least one temporary benchmark within the proposed subdivision boundary.
 4. Location, approximate area and dimensions of each lot and proposed lot and block numbers.

5. Location, approximate area and dimensions of any lot or area proposed for public, community or common use, including park or other recreation areas, and the use proposed and plans for improvements or development thereof.
6. Proposed use, location, area and dimensions of any lot which is intended for nonresidential use and the use designated thereof.
7. An outline of the area proposed for partial recording on a final plat if phased development and recording is contemplated or proposed.
8. Source, method and preliminary plans for domestic water supply, sewage disposal, solid waste collection and disposal and all utilities.
9. Stormwater and other drainage plans.

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

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

- a. Overall development plan, including phase or unit sequences and the planned development schedule thereof.
- b. Schedule of improvements initiation and completion.
- c. Sales program timetable projection.
- d. Development plans of any common elements or facilities.
- e. Financing plan for all improvements.

FINDING: The Applicant has not requested approval of a phased development plan.

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

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

FINDING: The Applicant is not proposing deed restrictions or covenants.

- g. 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

- a. Tentative plan review shall follow the Type III review procedures in Article 7.
- b. 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:

- a. 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 4.4 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.

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

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

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

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

- d. 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, electricity, and police.

Water and Sewer: Water and sewer service is provided in this area by the City of La Pine. As discussed in section 15.90.030 above, both water line and sewer line modifications have been suggested by the City’s Public Works Manager and City Engineer and will become conditions of approval, including:

- Upon land use approval, developer shall submit engineered construction plans per City of La Pine Public Works Standards for review and approval.
- Every lot shall be served by a separate 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. All septic tanks shall be constructed per City of La Pine public works standards and the maintenance of septic tanks shall be the responsibility of property owners. Septic tanks shall remain the property of the landowner and shall be maintained and pumped by the landowner.
- Per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage, and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.
- The Industrial Park lift station is nearing capacity and will require a replacement to provide capacity to development in the project area. The cost to replace the Industrial Park Lift station is \$637,000. The total number of Equivalent Dwelling Units anticipated at build out in the basin are 1,120. Therefore, the development shall contribute \$568.75 for each EDU toward a fund for replacement of the Industrial Park lift station. This fee must be submitted prior to release of building permits.
- Sizing for all new water/sewer pipes need to be identified on the plans. All sewer main lines shall be a minimum 8” diameter.
- The new hydrant needs to be protected with four bollards and have a snow flag.
- The configuration of all service lines must be a continuous pipe having not angle fittings or couplers. The proposed configuration of the hydrant and water service pipes are not acceptable.

Transportation: The application includes construction or modification of two roadways: the new “A” Court, a proposed local street, and Hinkle Way, an existing industrial collector. The City’s TSP requires the local street to be 64’ wide, with sidewalks and landscape strips on both sides. The TSP requires industrial collectors to be 52’ wide, with sidewalks on both sides. The existing width of Hinkle Way exceeds the required right of way width and the submitted plan includes construction of a six-foot sidewalk along the frontage with Hinkle. The proposed cross-section of “A” Court complies with the local street 64-foot required section.

Electric: The applicant submitted a “will-serve” letter from Midstate Electric indicated the utility will provide service to the subdivision in accordance with their Line Extension Policy.

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.

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

FINDING: The Applicant notes that, “there are no significant scenic, archaeological, natural, historic and unique resources on the property.” It appears to staff the none of these resources are present. As such, unless proven otherwise, this criterion is not applicable.

- f. 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, “Marx Meadows” in the Burden of Proof document and “Pine Landing” on the tentative plan. Clarification is required. Prior to submittal of final plat, the applicant shall submit the proposed name to the County Surveyor for review and approval.

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

FINDING: The application includes construction or modification of two roadways: the new “A” Court, a proposed local street, and Hinkle Way, an existing industrial collector. The City’s TSP requires the local street to be 64’ wide, with sidewalks and landscape strips on both sides. The TSP requires industrial collectors to be 52’ wide, with sidewalks on both sides. The existing width of Hinkle Way exceeds the required right of way width and the submitted plan includes construction of a six-foot sidewalk along the frontage with Hinkle. The proposed cross-section of “A” Court complies with the local street 64-foot required section.

- h. 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.

- i. 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 sewer improvements necessary to serve the proposed development.

- j. 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 not proposing phases. A condition of approval will ensure compliance with this timing requirement.

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 Tentative Plan for a subdivision to include 10 residential lots and associated infrastructure improvements.

Recommended Conditions of Approval:

GENERAL:

1. Final plat for the first phase shall be recorded within two years of the tentative plan decision.
2. 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.
3. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.
4. Accessible crossings must be provided at all intersections within the subdivision.

5. 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.
6. Per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage, and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.
7. Hinkle Way is County-maintained road, and approval for access to and modifications of the public right-of-way will require a permit from the Deschutes County Road Department.

PRIOR TO FILING FINAL PLAT:

1. Applicant shall submit the proposed name to the County Surveyor for review and approval. The Applicant proposes the name, "Marx Meadows" in the Burden of Proof document and "Pine Landing" on the tentative plan. Clarification is required.
- 2.
2. All proposed lots shall be accessed from the proposed "A" Court, with no individual parcel access onto Hinkle Way. To accomplish this, lots 1 and 10 shall either be reconfigured, or access easements shall be provided across lots 2 and 9. If access easements are provided, they shall be created on the subdivision plat and shall be reviewed and approved by the City Engineer.
3. 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.
- 3.
4. 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.
5. 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.
6. Final construction plans shall detail the transition between the new sidewalks and existing sidewalks.
7. Sewer mains and sewer infrastructure shall be constructed in accordance with City of La Pine Public Works Standards.
- 4.
8. Street lights shall be required at the street intersection of "A" Court and Hinkle Way and in the cul-de-sac, per City design standards.

9. 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.
10. 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.
11. As approved by the City Engineer, public improvements must be constructed prior to final plat 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.

5.

PRIOR TO CONSTRUCTION:

1. All street construction, landscaping, and utility plans shall be reviewed and approved by the City Engineer and Public Works Manager. Permits for sewer and water improvements will not be issued until the Public Works Director has approved all sanitary sewer and water plans for conformance with City standards, including but not limited to, final sizing for all water/sewer pipes, protection of hydrants with four bollards, and configuration of service lines without angle fittings or couplers.
2. All water fittings to be restrained, contractor engineer to provide restraint table that is utilized. 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 for compliance with this standard, City Public Works standards and any other applicable standard.
 - a. 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.
 - b. 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.
 - c. 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 geotechnical report or other verifiable documentation.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

6.

1. Lots shall comply with dimensional and setback requirements as required by this decision and applicable sections of the Development Code.
2. If driveway access permits are required at the time of building permit application, they shall be reviewed and approved prior to release of building permits.
3. 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.
4. The developer, applicant or builder shall contribute \$568.75 per EDU toward a fund for replacement of the Industrial Park lift station.