

ORDINANCE NO. 2024-02

AN ORDINANCE OF THE CITY OF LA PINE AMENDING PART III – CITY OF LA PINE DEVELOPMENT CODE, ADOPTING ADDITIONAL PROCEDURAL CLARITY, STREAMLINING APPLICATION PROCESSES, AND EXPANDING OPTIONS FOR LOCAL RESIDENTS, AND DECLARING AN EMERGENCY

WHEREAS, the La Pine Development Code contains several sections that require amendments to bring the code into compliance with State law, and to remove references to outdated or removed State statutes or City of La Pine Code language; and

WHEREAS, other sections of the City of La Pine’s Development Code requires amendments to clarify language and intent, codify existing practices, and provide clear and objective criteria within the code criteria; and

WHEREAS, the City of La Pine Planning Commission held a public hearing on the proposed language on September 18, 2024, and October 16, 2024, and recommends adoption of the proposed amendments.

NOW, THEREFORE, the City of La Pine ordains as follows:

Section One: The above recitals are adopted into and made a part of this Ordinance 2024-02 as the City’s findings of fact.

Section Two: La Pine Development Code Sec. 15.12.020. – Definitions, is amended to add new definitions and amend existing definitions to read as depicted on the attached Exhibit A, with additions underlined and deletions ~~struck through~~.

Section Three: La Pine Development Code Sec. 15.18.300. – Use Regulations, is amended to read as depicted on the attached Exhibit B, with additions underlined and deletions ~~struck through~~.

Section Four: La Pine Development Code Sec. 15.18.400. – Development Standards, Table 15.18-2., is amended to read as depicted on the attached Exhibit C, with additions underlined and deletions ~~struck through~~.

Section Five: La Pine Development Code Sec. 15.22.300. – Use Regulations, and Table 15.22-1., is amended to read as depicted on the attached Exhibit D, with additions underlined and deletions ~~struck through~~.

Section Six: La Pine Development Code Sec. 15.24.300. – Use Regulations, and Table 15.24-1., is amended to read as depicted on the attached Exhibit E, with additions underlined and deletions ~~struck through~~.

Section Seven: La Pine Development Code Sec. 15.82.010. – Landscaping and buffering requirements, is amended to read as depicted on the attached Exhibit F, with additions underlined and deletions ~~struck through~~.

Section Eight: La Pine Development Code Sec. 15.86.040. – Drive up and drive-through uses and facilities, is amended to read as depicted on the attached Exhibit G, with additions underlined and deletions ~~struck through~~.

Section Nine: La Pine Development Code Sec. 15.88.050. – Pedestrian access and circulation, is amended to read as depicted on the attached Exhibit H, with additions underlined and deletions ~~struck through~~.

Section Ten: La Pine Development Code Sec. 15.204.010. – Type I procedure (ministerial/staff review), is amended to read as depicted on the attached Exhibit I, with additions underlined and deletions ~~struck through~~.

Section Eleven: La Pine Development Code Sec. 15.318.070. – Approval period and time extension, is amended to read as depicted on the attached Exhibit J, with additions underlined and deletions ~~struck through~~.

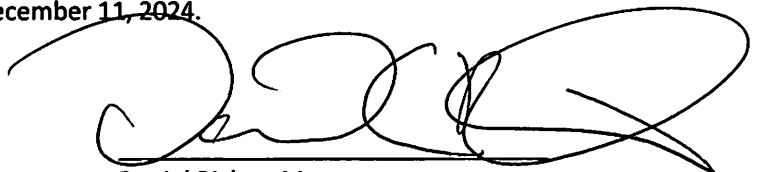
Section Twelve: La Pine Development Code CHAPTER 15.414. – RE PLATTING AND BOUNDARY LINE ADJUSTMENTS, is amended to read as depicted on the attached Exhibit K, with additions underlined and deletions ~~struck through~~.

Section Thirteen: La Pine Development Code CHAPTER 15.415. – REPLATS, is added to read as depicted on the attached Exhibit K, with additions underlined and deletions ~~struck through~~.

Section Fourteen: If any court of competent authority invalidates a portion of ordinance 2024-02, the remaining portions will continue in full force and effect.

Section Fifteen: With Ordinance 2024-02 being immediately necessary for health, welfare, and safety of the people of the City of La Pine, an emergency is hereby declared to exist, and this Ordinance 2024-02 shall become effective upon signing.

This Ordinance was PASSED and ADOPTED by the La Pine City Council by a vote of __ for, and __ against and APPROVED by the mayor on December 11, 2024.

A large, stylized handwritten signature in black ink, likely belonging to Daniel Richer, Mayor.

Daniel Richer, Mayor

ATTEST:

A handwritten signature in black ink, likely belonging to Amanda Metcalf, City Recorder.
Amanda Metcalf, City Recorder

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 2 - DEFINITIONS AND USE CATEGORIES

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Sec. 15.12.020. - Definitions

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Drive up and drive thru facility means a permanent facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses.

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Mobile Food Unit means a mobile vehicle, such as a food truck, trailer, or car, from which primarily food or beverages is provided to walk-up customers and does not include drive-thru service. Mobile Food Units shall be mobile at all times and must be on wheels that are functional and appropriate for the type of unit at all times.

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Flag lot means a lot located behind a frontage lot, plus a strip of land out to the street for an access drive. There are two distinct parts to a flag lot: the "flag" which comprises the actual building site located at the rear portion of the original lot, and the "pole" which provides access from a street to the flag lot.

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~~Partitioning land means to divide a lot, parcel or tract of land into two or three parcels, but does not include the following:~~ dividing land to create not more than three parcels of land within a calendar year, but does not include:

- ~~1. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of a cemetery lot.~~ Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- ~~2. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created, and where the existing unit of land reduced in size by the adjustment complies with the applicable zoning.~~ Adjusting a property line as property line adjustment is defined.

3. ~~The division of land resulting from the recording of a subdivision or condominium plat.~~
Dividing land as a result of the recording of a subdivision or condominium plat;
4. ~~The sale of a lot in a recorded subdivision or town plat, even though the developer, owner or seller of the lot may have owned other contiguous lots or property prior to the sale; the lot, however, must be sold as platted and recorded. Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or~~
5. Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

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Property Line Adjustment means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

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Replat means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 3 - ZONING DISTRICTS

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CHAPTER 15.18. - RESIDENTIAL ZONES

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Sec. 15.18.300. - Use regulations.

Uses may be designated as permitted, limited, conditional, or prohibited in the residential zones. As noted in Table 15.18-1, a use may also be subject to special use standards of [article 6](#).

- A. *Permitted uses (P)*. Uses allowed outright in the residential zones are listed in Table 15.18-1 with a "P."
- B. *Limited uses (L)*. Uses allowed in the residential zones subject to limitations are listed in Table 15.18-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.18-1.
 - 1. *Commercial lodging*. Commercial lodging uses in the RSF and RMF zones are limited to bed and breakfast inns.
 - 2. *Retail sales and service*. Retail sales and service uses in the RSF and RMF zones are limited to veterinary clinics and commercial kennels where the animal-related facilities are primarily indoors.
 - 3. *Self-service storage*. Self-service storage uses are required to have a minimum lot size of five acres. The expansion of existing self-storage facilities must meet the minimum acreage requirement. All areas within 30 feet of storage unit building access points or doors, shall be paved with an asphalt surface.
 - 4. *Parks and open areas*. Cemeteries require a conditional use permit in the RSF and RMF zones. All other parks and open areas uses permitted outright.
- C. *Conditional uses (CU)*. Uses which are allowed if approved through the conditional use review process are listed in Table 15.18-1 with a "CU." These uses are allowed provided they comply with the conditional use requirements of [chapter 15.316](#), conditional uses. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote.

- D. *Prohibited uses (N)*. Uses listed in Table 15.18-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of [chapter 15.08](#), non-conforming uses and structure.

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 3 - ZONING DISTRICTS

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CHAPTER 15.18. - RESIDENTIAL ZONES

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Sec. 15.18.400. - Development standards.

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

Table 15.18-2. Development Standards in the Residential Zones		
Standard	RSF	RMF
Minimum street frontage <u>When a flag lot is proposed, as defined under <i>Flag Lot</i> in section 15.12.020, the minimum frontage width shall be 30 feet, and shall apply to the full length of the flag lot "pole".</u>	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

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 3 - ZONING DISTRICTS

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CHAPTER 15.22. - COMMERCIAL AND MIXED-USE ZONES

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Sec. 15.22.300. - Use regulations

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

- A. *Permitted uses (P)*. Uses allowed outright in the commercial and mixed-use zones are listed in Table 15.22-1 with a "P." In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to [chapter 15.316](#), conditional uses.
- B. *Limited uses (L)*. Uses allowed in the commercial and mixed-use zones subject to limitations are listed in Table 15.22-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.22-1. In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to [chapter 15.316](#), conditional uses.
 1. *Marijuana facilities in the C and CMX zones*. Allowed marijuana facilities in the C and CMX zone[s] are limited to marijuana testing laboratories. Marijuana production or processing uses are prohibited.
 2. *Mixed use development in the CRMX zone*. Non-residential uses noted with a (2) are allowed in combination with residential uses in the CRMX zone if the nonresidential uses are limited to a total of 60 percent of the gross floor area of all uses in the development. Business parks and funeral homes are prohibited nonresidential uses.
 3. *Wireless telecommunication facilities in the CRMX and CMX zones*. Communication antennas mounted on existing buildings, structures, or public utility transmission towers are permitted outright. Communication towers require a conditional use permit.

4. *Retail sales and service in the CMX zone.* Automobile, RV, and truck sales uses require a conditional use permit. Funeral homes are prohibited. All other retail sales and service uses are permitted outright.
 5. *Commercial lodging in the CN zone.* Commercial lodging uses in the CN zone are limited to bed and breakfast inns.
 6. *Retail sales and service in the CN zone.* Automobile, RV, and truck sales and funeral homes are prohibited in the CN zone. Veterinary clinics and kennels require a conditional use permit. All other retail sales and service uses are permitted outright.
 7. Parks and open areas in the CN zone. Cemeteries require a conditional use permit in the CN zone. All other parks and open areas uses permitted outright.
 8. *Self-service storage.* Self-service storage uses are required to have a minimum lot size of five acres. The expansion of existing self-storage facilities must meet the minimum acreage requirement. All areas within 30 feet of storage unit access points or doors shall be paved with an asphalt surface.
- C. *Conditional uses (CU).* Uses which are allowed if approved through the conditional use review process are listed in Table 15.22-1 with a "CU." These uses are allowed, provided they comply with the conditional use requirements of [chapter 15.316](#), conditional uses. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote.
- D. *Prohibited uses (N).* Uses listed in Table 15.22-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of [chapter 15.08](#), non-conforming uses and structures.

Table 15.22-1. Use Regulations in the Commercial and Mixed-Use Zones					
Use Category	C	CRMX	CMX	CN	Special Use Standards
Manufactured dwelling park	CU <u>N</u>	P <u>N</u>	P <u>N</u>	P <u>N</u>	
Self-service storage	N	N	P (8)	CU (8)	—

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 3 - ZONING DISTRICTS

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CHAPTER 15.24. - INDUSTRIAL AND PUBLIC FACILITY ZONES

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Sec. 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](#).

- A. *Permitted uses (P)*. Uses allowed outright in the industrial and public facility zones are listed in Table 15.24-1 with a "P."
- B. *Limited uses (L)*. Uses allowed in the industrial and public facility zones subject to limitations are listed in Table 15.24-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.24-1.
 1. *Eating and drinking establishments in the LI zone*. Eating and drinking establishments in the LI zone are limited to 2,500 square feet of gross floor area.
 2. *Offices in the LI, I, and PF zones*. Offices as a primary use are limited to industrial offices (as defined in [section 15.14.235](#)) and government offices that do not include a point-of-service facility. All other office uses must be accessory to a permitted industrial use.
 3. *Retail sales and services in the LI zone*. Retail sales and services in the LI zone are limited to 2,500 square feet of gross floor area, except for the following uses:
 - a. Health and fitness centers may exceed the maximum floor area.
 - b. Retail sales of heavy equipment may exceed the maximum floor area with a conditional use permit.
 - c. Retail sales of goods that are displayed outdoors, such as sales of building materials, landscape materials, or garden or farm supplies, may exceed the maximum floor area with a conditional use permit.
 4. *Automotive wrecking, salvage, and junk yards*. The storage or sale of junk requires a special license, see [section 15.108.040](#).

5. *General manufacturing and production in the LI zone.* Agricultural processing establishments require a conditional use permit. Energy and power generation uses are prohibited. All other general manufacturing and production uses are permitted outright.
6. *Warehouse and freight movement in the LI zones.* Truck transportation and loading terminals require a conditional use permit. All other warehouse and freight movement uses permitted outright.
7. *Community services in the LI zone.* Government buildings and services that do not include a point-of-service facility are permitted. All other uses are prohibited.
8. *Agriculture in the LI zone.* Agriculture uses in the LI zone are limited to large animal veterinary clinics allowed with a conditional use permit.
9. *Marijuana facilities in the I zone.* Marijuana testing laboratories are permitted outright. Marijuana processing facilities, production facilities, or wholesalers are allowed with a conditional use permit.
10. *Retail sales and services in the I and PF zones.* Retail sales and services in the I and PF zones are limited to mobile food unit sites.
11. *Self-service storage.* Self-service storage uses are required to have a minimum lot size of five acres. The expansion of existing self-storage facilities must meet the minimum acreage requirement. All areas within 30 feet of storage unit access points or doors shall be paved with an asphalt surface.

- C. *Conditional uses (CU).* Uses which are allowed if approved through the conditional use review process are listed in Table 15.24-1 with a "CU." These uses are allowed provided they comply with the conditional use requirements of [chapter 15.316](#), conditional uses. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote.
- D. *Prohibited uses (N).* Uses listed in Table 15.24-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of [chapter 15.08](#), non-conforming uses and structures.

Table 15.24-1. Use Regulations in the Industrial and Public Facility Zones				
Use Category	LI	I	PF	Special Use Standards
Self-service storage	CU (11)	P (11)	P (11)	—

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 5 - DEVELOPMENT STANDARDS

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CHAPTER 15.82. - LANDSCAPING, BUFFERING AND FENCES

Sec. 15.82.010. - Landscaping and buffering requirements.

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

- A. *Exemption.* The provisions of this section may be exempted for uses existing on or before the effective date of this Development Code that are a permitted use in a specific zone in an existing building or buildings on a lot or parcel of land of the scale that there is no remaining room for landscaping; this exemption shall also apply to the exterior remodeling and/or expansion of not more than 25 percent of the total square footage of all enclosed structures on a lot or parcel existing under a unit ownership on or before the effective date of this Development Code.
- B. *Area required.* Except as approved otherwise by the city, the following minimum percent of a parcel area shall be landscaped for the following uses:
 - 1. Duplexes and triplexes: 25 percent.
 - 2. Multi-family ~~developments~~ ~~dwelling complexes~~ containing four or more units and commercial residential mixed uses (CRMX): 20 percent.
 - 3. Commercial uses including mixed use commercial (CMX): 15 percent.
 - 4. Industrial uses. A minimum five-foot landscaped buffer along any adjoining public right-of-way of a collector or arterial street or highway, which may be computed toward an overall requirement of ten percent.
 - 5. Minimum area requirements may include landscaping around buildings, in parking and loading areas, outdoor recreational use areas, screening and buffering areas, and surface water drainage areas.
- C. *Landscaping defined.* Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials. The total amount of nonliving materials (including bark dust, chips, aggregate, or other non-plant ground covers) shall not exceed more than 50 percent of the required landscape area.

- D. *Existing vegetation.* Existing site vegetation ~~may~~shall be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.
- E. *Parking lots.* Parking lots with space for ten or more vehicles must be landscaped in accordance with the following minimum requirements:
1. In commercial and residential developments, parking areas shall be divided into bays, and between or at the end of each parking bay a curbed planter containing at least 16 square feet may be required.
 2. If required, each planter shall contain at least one tree or shrub and ground cover.
 3. The areas shall be designed to be protected from being damaged by vehicles using the parking area.
 4. Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum five-foot strip of landscaping.
 5. Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.
- F. *Buffering and screening.*
1. Purpose. The purpose of buffering and screening requirements are to reduce the impacts of a proposed use on adjacent uses and zones which provide for different types of uses. The city may waive or reduce the requirements where existing topography or vegetation is appropriate or otherwise negates the effectiveness or intended purpose or benefits of the buffering and screening.
 2. Where any permitted principal and/or accessory use in a commercial or industrial zone abuts any land zoned RSF, RMF, RMP or TA the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50 percent or greater, or removed and a new use developed.
 3. Within commercial zones. A buffer strip at least ten feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts an RSF, RMF, RMP, or TA zone. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer strip shall contain suitable screening, defined as either of the following:

- a. A solid fence or wall, architecturally compatible with existing structures in the area, no less than five feet nor more than eight feet in height; or
 - b. A sight-obscuring planting of evergreens, not less than four feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than six feet upon maturity, planted at a spacing of the lesser of eight feet or the diameter of a mature specimen of the species being planted.
 - c. Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted with appropriate ground cover vegetation, including native species. Xeriscape methods are highly encouraged.
 - d. Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the "C" type zone permitted use is located. Installation must be completed prior to issuance of a certificate of use and occupancy by the city. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced in a timely manner. Grass shall be kept neatly mowed.
4. Within industrial zones. A buffer strip at least 30 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts any RSF, RMF, RMP, or TA zoned land. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer shall meet the following standards:
- a. The buffer shall be planted with evergreens capable of obtaining and maintaining a dense growth to a full height and a full canopy diameter of no less than 12 feet. The minimum height at the time of planting shall be six feet. Plants shall be situated in two rows within the buffer strip, each row being located at least ten feet from the edge of the buffer strip. Plants in each row shall be spaced no more than 20 feet center-to-center and the two rows shall be situated in an alternating pattern so that the trees in one row are located centrally between the trees in the other row. Plants shall be allowed to obtain a minimum height of 12 feet and shall not be trimmed below that height thereafter.
 - b. Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the industrial use is located. Installation must be completed prior to issuance of a certificate of use and occupancy by the city. Dead or diseased plants shall be removed and replaced in a timely manner. Xeriscape methods and use of native species is highly encouraged.

- c. A property owner may not sell, lease, or otherwise transfer property if such action results in a reduction of a separation distance for a commercial or light manufacturing use below the minimum required in this section. Likewise, a property owner may not remove or alter natural vegetation or landforms serving upon a waiver from the city as buffer and screening for a commercial or light manufacturing use if such action results in the natural buffer and screening being less effective than as required in this and other sections of this Development Code.
 - 5. A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.
 - 6. In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the review authority.
- G. *Plant material installation standards.* Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section:
- 1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
 - 2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
 - 3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
 - 4. Rows of plants should be staggered to provide for more effective coverage.
- H. *Maintenance and plant survival.* All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.
- I. *Retention of trees.* As part of a landscaping plan, the developer shall also provide a tree plan identifying the location and diameter breast height (DBH) of all trees on the property. Existing mature trees with at least a 10-inch DBH shall be retained to the furthest extent possible. Development shall conform to the natural environment to incorporate existing mature trees. Where trees must be removed for proposed development, they shall be replaced at a 1:1 ratio on the subject lot or parcel with

trees of similar species that are native to the region, and with a DBH of at least 5-inches or larger. Replacement trees shall meet the maintenance and plant survival criteria of this code section. Any trees planted must maintain a 20-foot radius for spacing. The 20-foot radius spacing shall be the determining factor in how many trees are replaced on the subject property. If more trees must be planted than what the 20-foot radius spacing would allow, then the number of trees replaced shall be reduced to meet the spacing standard.

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 5 – DEVELOPMENT STANDARDS

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CHAPTER 15.82. - PARKING AND LOADING

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Sec. 15.86.040. - Drive-up and drive-through uses and facilities

- A. *Purpose. Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.*
- B. *Standards. Drive-up and drive-through facilities (i.e., driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) shall meet all of the following standards:*
 - 1. *The drive-up or drive-through facility shall orient to and receive access from a driveway that is internal to the development and not a street, as generally illustrated.*
 - 2. *The drive-up or drive-through facility shall not be oriented to street corner.*
 - 3. *The drive-up or drive-through facility shall not be located within 20 feet of a street right-of-way.*
 - 4. *Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.*
 - 5. *All drive up and drive thru facilities must be permanently affixed to the ground and be connected to the City Water and Sewer in accordance with the standards of chapter 15.90.*

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 5 - DEVELOPMENT STANDARDS

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CHAPTER 15.88. - ACCESS AND CIRCULATION

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Sec. 15.88.050. - Pedestrian access and circulation.

- A. *Purpose and intent.* This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. *Standards.* New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:
 - 1. *Continuous walkway system.* A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
 - 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 d., below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the city may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in

parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.

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

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 7 - PROCEDURES

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CHAPTER 15.204. - APPLICATION PROCEDURES

Sec. 15.204.010. - Type I procedure (ministerial/staff review).

- A. *Type 1 procedure (staff review).* The city planning official, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure because a Type 1 decision is neither a land use decision nor a limited land use decision under ORS 197.015. Ministerial decisions are those where city standards and criteria do not require the exercise of discretion (i.e., there are clear and objective standards). The city planning official's review of a zoning checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit. Alternatively, the planning official may elect to process a Type I application under a Type II procedure.
- B. *Application requirements.* Approvals requiring Type I review shall be made on forms provided by the city; or, in the case of a zoning checklist, the city planning official may determine that the building permit application provides sufficient information. Applications shall:
- Include the information requested on the application form;
 - Address the criteria in sufficient detail for review and action; and
 - Be filed with the required fee.
- ~~D. [C.] Criteria and decision.~~ Type I applications shall be approved or denied by the city planning official ~~within 30 days of the application's acceptance as complete by the planning official~~ upon consideration of the applicable clear and objective criteria.
- ~~E. [D.] Effective date.~~ A Type I decision is final on the date it is signed by the city planning official unless appealed by the applicant in accordance with subsection G [F].
- ~~F. [E.] Notice.~~ Notice of a decision shall be provided to the applicant or the applicant's representative and the property owner.
- ~~G. [F.] Appeals.~~ The applicant for a Type I review may appeal [the] planning official's decision on the application to the planning commission. The appeal shall be filed, pursuant to the provisions of chapter 15.212, within 12 days from the date of the

decision. A Type I decision is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state land use board of appeals.

State Law reference— Definitions, ORS 197.015.

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 8 - APPLICATIONS AND REVIEWS

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CHAPTER 15.318. - MOBILE FOOD UNIT SITE PERMIT

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~~Sec. 15.318.070. — Approval period and time extension.~~

~~A mobile food unit site approval is valid for four years from the date of the final written decision. If the city's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this four-year period, the approval shall be implemented, or the approval will become void. "Implemented" means all necessary development permits shall be obtained and maintained for the approved development. At the end of any four-year period, the applicant may apply for another four-year permit by filing a new, Type II application.~~

PART III - CITY OF LA PINE DEVELOPMENT CODE

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Article 9 - LAND DIVISIONS

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CHAPTER 15.414. - ~~RE-PLATTING AND BOUNDARY~~PROPERTY LINE ADJUSTMENTS

~~Sec. 15.414.010. - Re-platting and vacation of plats.~~

~~Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed. Except as required for street vacations, the same procedure and standards that apply to the creation of a plat (preliminary plat followed by final plat) shall be used to re-plat or vacate a plat. Street vacations are subject to ORS 271. A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable city standards.~~

~~State Law reference - Street and certain other public property vacation, ORS 271.080 et seq.~~

Sec. 15.414.0210. - ~~Boundary~~Property line adjustments.

- A. *Submission requirements.* All applications for ~~boundary~~a property line adjustment shall be made on forms provided by the city and shall include information required for a Type I review, pursuant to [article 7](#). The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions, footprints and dimensions of existing structures (including accessory structures), location and dimensions of driveways and public and private streets within or abutting the subject lots, location of lands subject to the flood plain overlay or other overlay zones, existing fences and walls, and any other information deemed necessary by the planning official for ensuring compliance with city codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.
- B. *Approval criteria.* The planning official shall approve or deny a request for a property line adjustment in writing, based on all of the following criteria:
 1. *Parcel creation.* No additional parcel or lot is created by the ~~lot~~property line adjustment;
 2. *Lot standards.* All lots and parcels conform to the applicable lot standards of the zoning district (article 3), including lot area, dimensions, setbacks, and coverage. As applicable, all lots and parcels shall conform the flood plain overlay or other applicable overlay zones (article 4); and

3. *Access and road authority standards.* All lots and parcels conform to the standards or requirements of [article 5](#) [chapter [15.88](#)], access and circulation, and all applicable road authority requirements are met. If a lot is non-conforming to any city or road authority standard, it shall not be made less conforming by the ~~boundary~~property line adjustment.

Sec. 15.414.0320. - Final map recordation - ~~boundary~~property line adjustment.

- A. The final map for a ~~boundary~~property line adjustment survey shall comply with the requirements of ORS 92 and 209. The original plat shall be prepared at a scale and in a format as specified on the application form.
- B. The original plat and an exact copy shall be submitted to and approved by the planning official. The approval shall be evidenced by signature on both the original and exact copy.
- C. The original plat and exact copy shall be submitted along with the appropriate recording fee to the county surveyor for recording into the county survey records.
- D. The original plat and exact copy shall then be submitted along with the appropriate recording fee to the county clerk for recording into the county clerk's records.
- E. After recording information is placed on the exact copy by the county clerk, the exact copy and the required number of points, a minimum of six copies, unless otherwise specified by the county surveyor at the time of survey recording, shall then be submitted to the county surveyor to complete the recording process.
- F. After recording information is placed on the exact copy, a ~~minimum of three copies~~ shall then be submitted to the planning official, together with an electronic copy in a format approved by the City of La Pine.

State Law reference— Final approval of plats and plans, ORS 92.010 et seq.; county surveyors, ORS 209.005 et seq.

CHAPTER 15.415. - REPLATS

Sec. 15.415.010. - Procedures.

- A. The same procedure and standards that apply to the creation of a plat (tentative plan followed by final plat) apply to a replat pursuant to chapter 15.410.

Sec. 15.415.020. - Additional standards.

- A. Limitations on replatting include, but are not limited to, the following:
 1. A replat only applies to a recorded plat;
 2. A replat cannot vacate any public street or road; and

- 3. A replat of a portion of a recorded plat will not act to vacate any recorded covenants or restrictions.
- B. If the property to be replatted is determined to be part of an undeveloped subdivision pursuant to ORS 92.225, The noticing and hearing procedures of ORS 92.225 shall apply.
- C. A replat application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets, or alleys; or if it fails to meet any applicable City standards.
- D. If a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies and public agencies shall be notified.
- E. An application for a replat that will change the exterior boundary of a recorded plat of a subdivision shall include authorization agreeing to the reconfiguration from the homeowner's association or governing body of the subdivision, if any.
- F. Any application for vacation pursuant to ORS 368 must be submitted to and reviewed by Deschutes County.