



MEMORANDUM

La Pine Development Code Draft #1 (Task 8.3) City of La Pine Code Assistance – Phase 2

DATE July 11, 2018
TO La Pine Code Assistance Advisory Committee
FROM Cathy Corliss, Principal, Angelo Planning Group
Jamin Kimmell, Planner, Angelo Planning Group
CC: La Pine Code Assistance Project Management Team

The City of La Pine received a Transportation and Growth Management (“TGM”) Code Assistance grant¹ in order to:

- (1) help the city create a vibrant, walkable, multi-modal **downtown** commercial core and,
- (2) to improve overall efficiency and user-friendliness of the land use process **citywide**.

To learn more about TGM’s program mission, goals and objectives, see <http://www.oregon.gov/LCD/TGM/docs/Mission-goals-objectives.pdf>.

These goals are consistent with the mission, goals, and objectives of the TGM program and “Smart Development” principles.

As recommended in the Phase 1 Action Plan, we have prepared the attached draft amendments to **the La Pine Comprehensive Plan** and a new unified **La Pine Development Code (LPDC)** to replace Zoning Ordinance (Ord. No. 2012-05), Procedures Ordinance (Ord. No. 2011-03), and Land Divisions Ordinance (Ord. No. 2011-03) and amending ordinances.

While the proposed new LPDC is generally consistent with the City’s adopted Comprehensive Plan; the proposed draft **amendments to the La Pine Comprehensive Plan** would:

- Update housing policies to encourage a range of housing types; and
- Update urbanization policies to reflect the plans for downtown and to encourage compact urban form, mixed use, and pedestrian-friendly design.

¹ This project is partially funded by a grant from the Transportation and Growth Management (TGM) Program, a joint program of the Oregon Department of Transportation and the Oregon Department of Land Conservation and Development. This TGM grant is financed, in part, by federal Moving Ahead for Progress in the 21st Century (MAP-21), local government, and the State of Oregon funds. The contents of this document do not necessarily reflect views or policies of the State of Oregon.

The new **LPDC**, which would be Title 15 of the City’s Municipal Code, includes the following key changes:

- Reorganizing and clarifying the existing zones and regulations;
- Using broader use classifications to describe permitted uses;
- Update residential uses and standards to allow for a wide range of housing types;
- Updating development standards in all zones based on smart development principles as described in the TGM Model Development Code and User’s Guide for Small Cities - 3rd Edition (Model Code);
- Establishing a new Downtown Overlay Zone with design standards addressing building orientation, setbacks and entrance locations, window or “glazing” standards, standards for canopies, awnings, or other forms of protection from sun and rain, parking requirements that allow for less off-street parking where on-street parking is available, and Cascadian architectural design standards; and
- Clarifying and simplifying procedures and application requirements.

Format of Draft #1 of the LPDC

Italics vs Plain Text: Italicized text is from one of the City’s existing adopted ordinances. Plain text is new. In some cases, existing standards which have been moved to new tables will be shown in plain text (e.g., new use tables in the zones).

Orange Summary Boxes: Summary boxes (see example below) are provided at the beginning of each chapter to provide a brief snapshot of some of the key changes in each chapter. These will be deleted from the adopted Development Code.

Summary: ...

Cross-References: Draft #1 provides an opportunity for the Advisory Committee and community to review the new Development Code early on. It’s a work in progress -- in some cases cross-references have not been updated and may be denoted with an “XX”. Additionally, the formatting of the code still has inconsistencies in terms of capitalization and styles, and typos may be present. These will all be fixed in Draft #2.

Chapter/Section Numbering: All sections and chapter begin with the title number (Title 15 of the Municipal Code). We’ve intentionally left gaps in the numbering sequences to make it easy to add new chapters and sections in the future.

Review Schedule / Opportunities to Comment

- A Virtual Open House starts on July 18th and will run for two weeks. A link to the Virtual Open House will be distributed by the City. The Open House will guide users through the key changes

to the Plan and Code, provide opportunities to respond to survey questions and submit comments, and allow users to download the code documents for review.

- There will be an Advisory Committee Meeting and Community Open House on Tuesday, July 24th. The Virtual Open House will be used to facilitate this discussion, and consultants and City staff will be available to answer questions.
- Comments on Draft #1 should be provided to the City by August 1st in order to be considered in the Issues Resolution Memo and Draft #2 of the La Pine Development Code.
- Additional opportunities to review and comment on Draft #2 will be available in September.

City of La Pine Comprehensive Plan Amendments

Chapters:

Chapter 10 Housing

Chapter 12 Urbanization

Chapter 10 Housing

Summary: As noted in the Action Plan, the City’s Comprehensive Plan states that: “La Pine does not currently have enough housing choices for people to choose from. The Plan must provide more housing opportunities to help correct this situation.” The Plan identifies single-family and multi-family uses within the residential zones, but does not provide for a wide range of housing types (e.g., townhouses, zero lot line, cottage/tiny home developments, etc.). The proposed amendments (in double-underline) to the City’s existing Comprehensive Plan below support a wider array of housing types.

I. State Planning Goal 10, Housing

[No changes to this section]

II. Purpose and Intent

[No changes to this section]

III. Issues

Types of Housing

Single Family Residential: Due to a desire to preserve the existing character of single-family neighborhoods, no changes to the designations of these areas are proposed. However, upon implementation of zoning regulations, it is desirable to allow accessory housing in some areas where large lots occur and land is under utilized. Such accessory housing units may include studio apartments, above garage units or “granny flats.” In some instances, townhouse, cottage cluster, duplex or triplex development may be appropriate. Any additional increase in densities within the Single family areas must be predicated on the effects to the existing character of the neighborhood as well as the ability for the area to be adequately served with public facilities and services. An overall density range of 1.0 to 7.0 units per acre is desired for the Single Family Residential District.

Multi-Family Residential: Currently only 3% of the residential development in La Pine is multi-family (i.e. duplex, four-plex, and apartment) – 33 individual units. This shortage of multi-family residential development is a result of past development patterns based on inexpensive land costs combined with the lack of a municipal sewer system thereby necessitating larger lots to accommodate on-site septic systems. Now that a city wide sewer system is available to serve all areas, it is desirable to develop multi-family residential options for La Pines anticipated growth. Such areas should be located along primary transportation corridors and in areas where service commercial and employment opportunities will be convenient to residents. Such areas should be respective of surrounding single family residential neighborhoods and be so located to serve as an appropriate buffer between lower density single family neighborhoods and commercial/industrial uses. It is anticipated that the Multi-Family areas will allow a variety of typical multi-family housing options, with some small scale service commercial uses to serve the higher density populations. An overall density range of 5.0 to 40 units per acre is desired for the Multi Family Residential District.

Master Plan Residential: *The master Plan Residential District includes a large area within the center of the urban area, lying between Highway 97 on the east and Huntington Road on the north. The area is also bounded by the traditional Wickiup Junction community on the north (Burgess Road) and the historically developed portions of La Pine on the south. This large expanse of land is owned by Deschutes County and remains largely undeveloped except for a single family area that was subdivided and developed with homes in the mid 2000's. The County has developed a conceptual master plan for the area and has included internal areas for neighborhood commercial, public facilities/school site, and open space/recreation areas. The overall concept is to allow a development pattern that incorporates a balanced mix of traditional single family residential development with a variety of multi-family residential options. The overall densities are aimed at being a blend of traditional single family and multi family residential development patterns spread out throughout the area. The densities within specific areas of the district are intended to be more dependent on complimentary design elements and arrangements of facilities (i.e. proximity to commercial services, proximity to schools, design of pedestrian amenities, etc.) rather than prescriptive zoning boundaries. An overall density range of 3.0 to 21.0 units per acre is desired for the Master Plan Residential District.*

Mixed Use Commercial Residential District

The Comprehensive Plan map includes a Mixed Use Commercial Residential area in the southern part of the city, along a traditional hard-line, prescriptive boundary between standard Commercial and single-family Residential. Most of the land along on either side of this boundary is either undeveloped or under-developed. The Mixed Use Commercial Residential District is intended primarily as a smaller scale, service and office commercial district, with associated residential that may consist of upper level apartments. A live-work design concept within the mixed use district would serve as an appropriate buffer between the formal commercial and residential districts, which abut. Although, stand alone commercial and residential uses that are designed to be compatible with abutting uses would also be appropriate. It is desirable for the development within the mixed use district to be master planned, but that may not be possible in all properties due to the small to medium size of the parcels. Some assemblage of properties will be necessary for proper master planning.

Transition Areas

[No changes to this section]

IV. Transition Area Goals and Policies

[No changes to this section]

V. General Housing Goals and Policies

Goal # 1: *Encourage a wide range housing types satisfying the urban development needs of the La Pine community.*

Policies

- *It is essential to develop strategies that increase the variety of housing choices in the community. These strategies must include an inventory and analysis of needed housing types, existing housing supplies, and*

strategies for meeting the changing community demographic.

- *It is necessary to provide adequate buildable residential land for the 20-year planning horizon. The La Pine community needs a full range of housing types to sustain a healthy community.*
- *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 neighborhoods and new residential areas.*
- *It is necessary to encourage development and redevelopment of residential areas to make them safe, convenient, and attractive places to live and located close to schools, services, parks, shopping and employment centers.*
- *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 regular housing analysis shall be the basis for understanding and projecting housing needs. City staff will need to manage the calibration data in order to accommodate local cultural characteristics and anomalies. This shall include analysis of financial capability and policies/programs as needed to improve financial capability.*
- *Development code regulations ~~will need to be modified to~~ should allow and provide standards for a range of encourage needed housing types including multi-family, townhouses, zero lot line, cottage/tiny home developments, accessory dwelling units, and low income housing within the UGB.*
- *La Pine desires to encourage and sustain affordable housing while protecting the physical characteristics of land relating to the carrying capacity of the land, drainage, natural features, and vegetation.*

Chapter 12 Urbanization

Summary: As noted in the Action Plan, the City should consider updating the Urbanization policies to more directly address compact urban form and efficient use of urban lands or adding a new land use chapter to the Comprehensive Plan. The Comprehensive Plan has some policies that support efficient use of public facilities and “Complete Neighborhoods,” but additional land use policies would be beneficial. In addition, the City should consider new downtown policies. The Comprehensive Plan has very few policies that relate to the downtown area. The recommended policies below (in double-underline) are generally based on the project goals of the 2015 “Streetscapes, Pedestrian Safety, and Pedestrian-Friendly Design Workshop”.

I. State Planning Goal 14, Urbanization

[No changes to this section]

II. Purpose and Intent

[No changes to this section]

III. Issues

[No changes to this section]

IV. Goals and Policies

Goal # 1: Forest and BLM lands within the City limits and proposed UGB will be designated as Public Facility Lands and the small amount of undeveloped Agricultural lands within the City limits will be converted to urban uses.

Policies

Goal #2: Land within the City limits is adequate to serve as the La Pine Urban Growth Boundary unless special circumstances are identified and established as reasonable, supportable, and consistent with State law.

Policies

- 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;
 - Full Utilization of Urban Services (e.g., water, sewer, storm drainage, parks, and transportation facilities), which maximizes the return on public investments in infrastructure;
 - 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;
 - Human-Scale Design, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, landscaping, lighting, and other components of the built environment are designed foremost with pedestrians in mind; and
 - Environmental Health, which requires adequate light and air circulation, management of surface water runoff, and treatment and disposal of waste.
- The City will facilitate development of a downtown area that is desirable for tourists and local residents and that will allow La Pine to establish itself as a hub and service center for the South Deschutes and North Klamath Counties.
- Development regulations for the commercial zone within the downtown area should provide for a pedestrian-friendly, attractive, and vibrant center that can draw new investment, offer a desirable place for people to visit and live, and serve the surrounding area between Sunriver Resort and Klamath County.
- *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 City shall create details on the "Complete Neighborhood" concepts and prepare guidelines for implementing the goals. This includes a listing of what elements are missing and how to establish them within the three neighborhoods.*
- *The land planning and site design shall encourage the positioning of buildings and use of vegetation to promote and encourage the development of the missing elements in each neighborhood.*
- *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.*
- *The City shall adopt the Bend-La Pine School District Facility Plan.*
- *At such time as a transfer of land from the Bureau of Land Management to a government agency (City of La Pine or Deschutes County) occurs along the southwest City boundary, the use of such lands for rodeo facilities and City authorized festivals shall be examined. The City desires such land to be included within the City limits, with future administration of the lands and facilities used as rodeo grounds to be determined by mutual agreement of the City and the La Pine Park and Recreation District.*
- *Because the final designs and plans for the Wickiup Junction interchange (Highway 97 and Burgess Road intersection) have not been completed, designations for lands within the area labeled Wickiup Junction Improvement Area on the Plan map may need to be changed after final plans for the ODOT Overpass project are completed. Such changes to land use designations shall be for the purpose of better coordination between the transportation facilities and adjacent land uses.*
- *The Urban Growth Boundary and need for new lands/annexation should be reviewed every 2-years.*

City of La Pine
TGM Development Code
Update Project



La Pine Development Code
Draft #1
July 11, 2018

La Pine Development Code Draft #1

July 11, 2018

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ARTICLE 1 – GENERAL PROVISIONS

Chapters:

15.02 Title and Purpose

15.06 Fees, Enforcement and Remedies

15.08 Non-Conforming Uses and Structures

Chapter 15.02 – Title and Purpose

Sections:

15.02.010	Title
15.02.020	Purpose and Community Objectives
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15.02.070	Coordination of Building Permits
15.02.080	Official Action

Summary: This Chapter includes language from the City’s current Zoning Ordinance (*in italics*) with updates from the DLCDC Model Code (in plain text). Key changes include:

- Updated Purpose Statements to reflect “Smart Development” principles and blended elements of City’s existing Purpose and Objectives to remove redundancy.
- New language to clarify the rules of code construction.
- New language to clarify the relationship of the new Development Code to the Comprehensive Plan and State and Federal laws and describe official actions.
- All references to City staff refer to the City Manager, which by definition includes their designee (e.g., the Planning Director).

15.02.010 Title

- A.** The official name of this title of the Municipal Code is “The City of La Pine Development Code.” It may also be referred to as “LPDC,” “Development Code” and “Code.” *Copies of this Code shall be retained by the City Clerk.*
- B.** *The official map showing zones and boundaries shall be known as the “La Pine Zoning Map” and is part of this Code.* The zoning districts depicted on the La Pine Zoning Map correspond to the zoning districts in this code. In addition, this Code may contain zoning regulations for special areas (i.e., overlay zones), and for certain uses or structures that do not appear on the Zoning Map.

15.02.020 Purpose

- A.** This Code is enacted to promote the public health, safety, and welfare; and to encourage the orderly and efficient development and use of land within the City of La Pine, consistent with the City of La Pine Comprehensive Plan and the following principles:
1. *Good planning principles and techniques that encourage sustainability and reduced vehicle miles traveled, promote coordinated, orderly, and practical community development and promote the efficient provision of public services and infrastructure;*
 2. Mixed-Use, which places homes, jobs, stores, parks, and services within walking distance of one

another;

3. Full Utilization of Urban Services (e.g., water, sewer, storm drainage, parks, and transportation facilities), which maximizes the return on public investments in infrastructure
 4. 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;
 5. Human-Scale Design, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, landscaping, lighting, and other components of the built environment are designed foremost with pedestrians in mind;
 6. *Preserve the City's existing community character most exemplified by open spaces and woodlands, mixed-use opportunities, variable density development, uncongested local roads, clean air and water, and quiet noise levels.*
 7. *Provide opportunities for types of development beneficial to the economy, but ensure that such development maintains a scale and character compatible with the City's desired community character.*
 8. *Opportunities for larger-scale industrial and commercial development which would create jobs and enlarged tax base for the City and would be located where adequate highway access, public sewer service, and public water service is available now or in the near future and where such development would be a reasonable extension of existing similar development.*
 9. *Variety of housing choices, including a variety of housing types including but not limited to single-family, duplexes, apartments, live/work, recreational housing, etc.*
 10. Environmental Health, which requires adequate light and air circulation, management of surface water runoff, and treatment and disposal of waste; and
 11. Efficient Administration of Code Requirements, consistent with the needs of the City of La Pine.
 - a. *To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements*
 - b. *To protect and enhance the value of natural resources and historical elements*
 - c. *To encourage, manage and foster new development and growth in the City.*
- B.** *Such regulations are also made with reasonable consideration to the character of the zones hereinafter set forth and their suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City. These regulations apply to all City of La Pine property owners, tenants, and business operations and business owners.*

15.02.030 Compliance and Scope

- A. Compliance with the Development Code.** No structure or lot shall hereinafter be used, developed, or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged, or otherwise altered except as permitted by this Code. Furthermore, annexations and amendments to the Zoning Map, and amendments Development Code shall conform to applicable provisions of this Code.
- B. Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons' successors in interest.
- C. Transfer of Development Standards Prohibited.** Except as otherwise specifically authorized by this Code, no lot area, yard, landscaping, or open space that is used to satisfy a requirement of this Code for one use shall be used to satisfy the same requirement for another use.

15.02.040 Rules of Code Construction

- A. Provisions of this Code Declared to be Minimum Requirements.** The provisions of this Code, in their interpretation and application, are minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. Highest standard or requirement applies.** Where as the requirement of this Code varies from another provision of this Code or with other applicable regulations, the highest standard or regulation shall govern. The City Manager, as applicable, shall determine which Code provision sets the highest standard. Where the applicability of a Code provision is unclear, the City Manager, or upon referral the City Council, may issue a formal interpretation pursuant to Chapter XX Interpretation.
- C. Tenses.** Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.
- D. Requirements versus Guidelines.** The use of the word "shall," "must," "required," or similar directive terms, means the Code provision is a requirement. The use of the word "should," "encouraged," "recommended," or similar terms, means the provision is a guideline.
- E. Interpreting Illustrations.** This Code contains illustrations and photographs, code "graphics," which are intended to serve as examples of development design that either meet or do not meet particular Code standards. Except where a graphic contains a specific numerical standard or uses the word "shall," "must," "required," or "prohibited," strict adherence to the graphic is not required.
- F. Severability.** *If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, or word in the La Pine Development Code or the zone boundaries as shown on the Zoning Map, shall be for any reason, declared to be illegal, unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Development Code as a whole or any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the Development Code.*

The City of La Pine hereby declares that it would have adopted the Development Code and each article,

section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, and each zone boundary of the Zoning Map irrespective of the fact that any one or more of the sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases, words or boundaries may be declared illegal, unconstitutional or invalid.

15.02.050 Development Code Consistency with Comprehensive Plan and Laws

- A. City of La Pine Comprehensive Plan.** The La Pine Development Code implements the City of La Pine Comprehensive Plan. Except as otherwise required by applicable state or federal law, all provisions of this Code shall be construed in conformity with the Comprehensive Plan, including any Comprehensive Plan elements or public facility master plans, adopted pursuant to the Comprehensive Plan.
- B. Compliance with Other Laws Required.** In addition to the requirements of this Code, all uses and development must comply with all other applicable City, State of Oregon, and federal rules and regulations.
- C. References to Other Regulations.** All references to other City, state, and federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City for enforcement of state or federal regulations. Where a proposal, permit, or approval is subject to both City of La Pine requirements and state or federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.
- D. Current Versions and Citations.** All references to the regulations of other jurisdictions refer to the most current version and citation for those regulations, except where this Code, City Council policy, or applicable law require otherwise. Where a referenced regulation has been amended or repealed, the City Manager, Planning Commission or, upon referral, the City Council, shall interpret this Code and, based on adopted City policy, determine whether an equivalent standard applies. Such determinations, unless made through a legislative process, may be appealed to City Council.

15.02.060 Development Code and Zoning Map Implementation

- A. Zoning of Areas to be Annexed.** Concurrent with annexation of land to the City of La Pine, the City Council shall apply applicable zoning designation(s) to the subject land, pursuant to Chapter XX. The Comprehensive Plan shall guide the designation of zoning for annexed areas.
- B. Land Use Consistent With Development Code.** Land and structures in the City of La Pine may be used or developed only in accordance with this Code, including all amendments thereto. A lawful use of land (“use”) is one that is permitted in accordance with this Code, or is allowed as a legal non-conforming use, pursuant to Chapter XX, provided state or federal law does not prohibit the use.
- C. Interpreting the Zoning Map.** Except as otherwise specified by this Code, the City’s zoning boundaries are as designated on the La Pine Zoning Map, which is kept on file by the City Recorder. The City may adopt and publish supplemental zoning maps where it is impractical to illustrate all regulated features on one map. Examples of regulated features include, but are not limited to, historical landmarks, special street setbacks, base flood (flood plain) elevation, local wetland inventories, and specific area plans. In addition, the City may

require field verification and mapping (e.g., survey) of a regulated feature as part of a development application, where the feature is thought to exist on or adjacent to the subject property but its exact location is unknown.

- E. Boundary Lines.** Zoning district boundaries are determined pursuant to Section XX.
- F. Changes to Official Zoning Map.** Proposed changes to the La Pine Zoning Map are subject to review and approval under Chapter XX Amendments.

15.02.070 Coordination of Building Permits

A building permit shall not be issued until the City Manager has confirmed that all applicable requirements of this Code are met, or appropriate conditions of approval are in place to ensure compliance.

15.02.080 Official Action

- A. Official Action.** The City of La Pine City Manager, Planning Commission, and City Council are vested with authority to issue permits and grant approvals in conformance with this Code, pursuant to Article XX Application Requirements and Article XX Administrative Procedures. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. Void Future Actions.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless the City modifies it in conformance with the Code. The City Manager shall determine when an approval is void and, as applicable, he or she shall refer it back to the decision body for modification to ensure Code compliance.
- C. Referral to Planning Commission.** In addition to those actions that require Planning Commission approval, the City Manager may refer any question or permit request to the Planning Commission, who then shall take action on the request pursuant to the applicable provisions of this Code. See also, Chapter XX Code Interpretations and Articles XX Application Requirements and Administrative Procedures.
- D. Notices, Filing, and Validity of Actions.** The failure of any person to receive mailed notice or failure to post or file a notice, staff report, or form shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to such notice report, or form. See Chapter XX General Review Procedures.

Chapter 15.06 Fees, Enforcement and Remedies

Sections:

- 15.06.010 Fees
- 15.06.020 Enforcement
- 15.06.030 Remedies

Summary: This Chapter includes language from the City's current Zoning Ordinance and Procedures Ordinance (*in italics*). No significant changes were made to the existing requirements.

15.06.010 Fees

- A. *Payment of fees.*** No permit or certificate of use and occupancy shall be issued until the fees prescribed by resolution/ordinance have been paid.
- B. *Fee Waiver/Exemptions.*** Any accessory structure used solely for agricultural purposes or any non-residential, non-commercial building less than 120 square feet in floor area shall be exempt from payment of fees provided that all required setbacks are met.

15.06.020 Enforcement

- A.** *The City Manager or other duly designated City representative shall have the powers and the duties to enforce the provisions of this chapter and all amendments thereto.*
- B.** *In addition, the City Manager or other duly designated City representative may initiate action to enforce any provision of this chapter, including any violation of any restriction or condition established under the provisions of this chapter in the granting of any application authorized or required pursuant to the provisions of this chapter.*
- C.** *Failure to comply with any order or decision as above provided will subject the violator to any legal remedy provided under law, including but not limited to the following.*
 - 1.** *A complaint filed with the Circuit Court, or other court of competent jurisdiction whereupon conviction the court may fine the violator up to the maximum allowed by law, or imprison the violator in jail for up to the maximum time allowed by law, or both. Each day a violation occurs may be considered a separate offense.*
 - 2.** *The City Manager or other duly designated City representative and/or a certified Building Official may order the stoppage of work of any type which is in violation of any of the provisions of this chapter or a permit granted pursuant hereto.*
 - 3.** *A copy of the stop work order shall be posted at the site of construction or use and a copy thereof shall be mailed to the last known address of the property owner and/or the permittee.*
 - 4.** *Upon the posting of the order, all work shall cease forthwith, and the property owner, permittee or*

permittee's agents or employees who thereafter continue to work shall be in violation of this chapter.

5. *The stop work order shall not be removed until satisfactory evidence that the violation has or will be corrected has been provided.*

15.06.030 Remedies

A person violating a provision of this chapter shall be subject to the following provisions.

- A. Unlawful construction or use declared a nuisance.** *The location, erection, construction, maintenance, repair, alteration or use of a building or other structure, or the subdivision, partitioning, other land development or use of land in violation of this chapter shall be deemed a nuisance.*
- B. Penalty.** *Except as otherwise provided for by law or by a court of competent jurisdiction, a person violating a provision of this chapter shall, upon conviction, be punished by fine of not more than \$500.00 per day. A violation of this chapter shall be considered a separate offense for each day the violation continues.*
- C. Alternative remedy.** *In case a building or structure is, or is proposed to be, located, constructed, maintained, repaired, altered or used, or land is, or is proposed to be, used in violation of this chapter, the building or land thereby in violation shall constitute a nuisance, and the city may, as an alternative to other remedies that are legally available for enforcing this chapter, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.*
- D. Nuisances.** *Violations which constitute or include a nuisance violation shall also be subject to the abatement procedures set forth in City code.*

Chapter 15.08 Non-Conforming Uses and Structures

15.08.010	Non-Conforming Uses of Land
15.08.020	Non-Conforming Structures
15.08.030	Non-Conforming Uses of Structures
15.08.040	Repairs and Maintenance
15.08.050	Uses Granted Under Exception/Exemption Provisions are Not Non-Conforming Uses
15.08.060	Non-Conforming Single-Family Residence Use

Summary: This Chapter includes language from the City's current Zoning Ordinance (*in italics*). No significant changes were made to the existing requirements.

15.08.010 Non-Conforming Uses of Land

Where, at the effective date of adoption or amendment of this Code, lawful use of land exists that is made no longer permissible under the terms of this Code as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. *No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Code, except as specified by the exception process of this Code.*
- B. *No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Code.*
- C. *If any such non-conforming use of land is abandoned by discontinuance for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the regulations specified by this Code for the zone in which such land is located.*

15.08.020 Non-Conforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Code that could not be built under the terms of this Code by reason of restrictions on areas, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. *A structure may be enlarged or altered in a reasonable amount only as approved by the City.*
- B. *Should such structure be destroyed by any means to an extent of more than 50% of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code unless an exception is granted by the City.*
- C. *Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zone in which it is located after moved unless an exception is granted.*

15.08.030 Non-Conforming Uses of Structures

If a lawful use of a structure, or of a structure and premises in combination, exists at the effective date of

adoption or amendment of this Code, that would be allowed in the zone under the terms of this Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. An existing structure devoted to a use not permitted by this Code in the zone in which it is located may be enlarged, extended, constructed, reconstructed, or structurally altered to any reasonable amount upon granting of an exception by the City.*
- B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Code, but no such use shall be extended to occupy any land outside such building.*
- C. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the City, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the zone than the existing non-conforming use. In permitting such change, the City may require appropriate conditions and safeguards in accord with the provisions of this Code.*
- D. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the zone in which such structure is located, and the non-conforming use may not thereafter be resumed.*
- E. When a non-conforming use of a structure, or structure and premises in combination, is abandoned by discontinuance for twelve (12) consecutive months, the structure and premises in combination shall not thereafter be used except in conformance with the regulations of the zone in which it is located – unless an exception is granted.*
- F. Where non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.*
- G. Where a structure containing a non-conforming use is destroyed in whole or in part by fire, flood, explosion, or other casualty beyond the control of the property owner, it may be reconstructed and used as before provided such reconstruction is begun within twelve (12) months of such casualty and provided the restored structure shall not exceed the height and bounds of the original structure.*

15.08.040 Repairs and Maintenance

On any building, devoted in whole or in part to any non-conforming use, work may be done on ordinary repairs or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing without the requirement of a variance.

Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof without a variance.

15.08.050 Uses Granted Under Exception/Exemption Provisions are Not Non-Conforming Uses

Any use for which an exception/exemption is permitted as provided in this Code shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such zone.

15.08.060 Non-Conforming Single-Family Residence Use

Where residential uses exist as non-conforming uses according to this Code, the following shall apply:

- A. Notwithstanding any other provisions pertaining to non-conforming uses in this Code, an existing non-conforming single-family residential dwelling destroyed in whole or in part by fire, flood, explosion, or any other casualty beyond the control of the property owner, may be reconstructed and used as before said casualty, provided the reconstructed principal and accessory structures shall meet applicable lot, yard, and height requirements of the zone.*
- B. Upon completion of the permitted work and prior to use and occupancy, the holder of the permit shall notify the City of such completion. After receiving notice of completion, the City shall conduct a final inspection of all permitted structures and/or land. All violations of the approved permit and plans shall be recorded and presented in writing to the holder of the permit.*
- C. If the City Manager is satisfied that the completed work conforms with the Development Code, he/she shall issue a certificate of use and occupancy for the use indicated in the permit.*
- D. The City shall conduct the final inspection and issue either a written record of violations or an approved certificate of use and occupancy within 10 days after receiving notice.*

ARTICLE 2 – DEFINITIONS AND USE CATEGORIES

Chapters:

15.12 Definitions

15.14 Use Categories

Chapter 15.12 – Definitions

Sections:

- 15.12.010 Grammatical Interpretations
- 15.12.020 Definitions

Summary: This Chapter includes language from the City’s current land use ordinances (*in italics*) with updates from the DLCDC Model Code (in plain text). Most of the definitions are consolidated from the City’s existing Zoning or Land Division ordinances.

This Chapter works in conjunction with the following chapter, Use Categories. Definitions that were used to describe the types of uses that are allowed in each zone (such as “Commercial Recreation”) have been replaced by more specific and comprehensive definitions of *use categories*. These use categories are referenced in each zone consistently. The use-related terms that remain in this chapter are limited to definitions of specific uses (rather than a use category). For example, the term “Fairgrounds” is defined in Chapter 15.12, but that use is just one of many examples of uses that fit the use category “Commercial Recreation”, which is defined in Chapter 15.14.

One key change to this Chapter are the definitions of various housing types. These definitions are now nested under the definition of “dwelling” to make them easier to locate. The definitions were refined to clarify differences between the housing types. Additionally, the definition of “multi-family” was revised to exclude duplexes. This allows the City to regulate duplexes separately from larger multi-family developments, which is appropriate given that duplexes are smaller buildings with fewer impacts.

15.12.010 Purpose

The purpose of Chapter 15.12 is to define terms that are used in the City of La Pine Development Code and other terms that may arise in interpreting the Code, particularly those that may be uncommon or have more than one meaning.

15.12.012 Applicability

- A. Definitions.** The definitions in Chapter 15.12 apply to all actions and interpretations under the City of La Pine Development Code. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.
- B. When a Term is Not Defined.** Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster’s Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.
- C. Land Use Categories.** Land use categories are defined in Chapter 15.14.
- D. Conflicting Definitions.** Where a term listed in Chapter 15.12 is defined by another section of this Code or by other regulations or statutes referenced by this Code, the term is not redefined herein for purposes of that other code.

15.12.020 Definitions

Abutting. *Having property or zone lines in common; e.g., two lots are abutting if they share a common property line.*

Access. *A way of approaching or entering a property, such as a driveway, alley, or right of way.*

Accessory Structure. *See Structure, Accessory.*

Accessory Use. *See Use, Accessory.*

Agriculture, Indoor. *Agriculture, as defined in this code, which is entirely contained within permanent, rigid structures designed to withstand snow and wind loads and not broadcast indoor lighting. Such structures do not include canopies, hoop houses, sheds, shipping containers, trailers and similar structures. No retail sales are permitted in association with Indoor Agriculture and this use is only permitted in the zone(s) where it is expressly authorized as a primary or conditional use.*

Alley. *A public or private narrow way, twenty (20) feet or less as otherwise approved by the City, serving more than one lot or parcel primarily for vehicular access to the back or side of properties.*

Alteration. *As applied to a building or structure, is a change or rearrangement in the structural parts, or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or moving from one location or position to another.*

Alteration, Structural. *A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as bearing wall, columns, beams and girders.*

Awning. *An awning shall include any structure made of cloth or metal with a metal frame attached to a building and projecting over a yard or thoroughfare, when the same is so erected as to permit its being raised to a position flat against the building when not in use or not permanently attached to and an integral part of a porch, carport, or similar attached accessory structure.*

Basement. *Portion of a building partly underground.*

Bed and Breakfast Inn. *An owner-occupied residence offering, for pay, overnight or short-term lodging, and breakfast for transient guests where no more than 5 rooms are for rent.*

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

Building. *An enclosed structure built, erected, and framed of component structural parts, designed for the housing, shelter, enclosure, and protection of persons, animals, or property of any kind, including mobile homes.*

Building, Accessory. *A detached, subordinate building, the use of which is customarily incidental and subordinate to that of the primary building, and which is located on the same lot as that occupied by the primary building.*

Building, Attached. *A building where both side walls of all except the end structures are party walls.*

Building, Detached. *A building which has no party wall.*

Building, Primary. *A building in which is conducted the primary use of the lot on which it is situated.*

Building Setback. *The minimum allowable horizontal distance from a property line, to the nearest vertical wall or other element of a building of structure defined herein, except as allowed under Section 15.80.040 Where a public access easement is provided in lieu of or in addition to public right-of-way, the interior easement shall be an assumed property boundary for the purposes of setbacks.*

Building Setback Line. *A line on a lot, which marks the building setback.*

Carport. *A roofed structure having two or more open sides and extending from the side or rear wall of a primary or accessory building, used primarily as a shelter for automotive vehicles or recreation equipment. The open sides may be screened or enclosed, but at least fifty (50) percent of such wall area must remain open. In addition, the carport shall not extend into any required yard.*

Centerline. *The line located at the middle of the travelled surface of a road, equi-distant from both edges of the road surface.*

Certificate of Use and Occupancy. *A statement, based on an inspection and signed by the City, indicating that a building, structure, and/or land conforms with the provisions prescribed in the Zoning Ordinance and may lawfully be occupied or used for a specified use or uses.*

Child Care Facility. *Provides out-of-home care for part of a 24-hour day to children 15 years and younger including care provided in public or private profit or nonprofit facilities. Definition does not apply to care provided by a relative, in places of worship during religious services, and in a facility where the parent is present at all times child care is provided.*

Church. *A building for public religious worship.*

City Manager. *City Manager means the City Manager of the City of La Pine, or the City Manager's designee.*

Clinic. *Any professional medical building or establishment where people are examined or treated by medical professionals or dentists but are not hospitalized overnight.*

Clear Vision (Clear Vision Areas). *Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance. See Section 15.86.070.*

Club, Lodges and Fraternal Organizations. *An establishment operated for social, recreational, or educational purposes, and open only to members and their guests, but not the general public.*

Commercial Recreation. *See Use Categories, Section 15.14.220, Commercial Recreation.*

Communication Antenna. *Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, including without limitation omnidirectional or whip antennas and directional or panel antennas, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. The definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.*

Communication Equipment Building. *An unmanned building or cabinet containing communications equipment required for the operation of Communications Antennas.*

Communication Tower. A structure other than a building, such as a monopole, self-supporting or guyed tower, designed and used to support Communication Antennas.

Conditional Use. See *Use, Conditional*.

Construction. The construction, reconstruction, renovation, repair, extension, expansion, alteration, or relocation of a building or structure, including the placement of mobile homes.

Court. A portion of a lot unoccupied above grade but partially or wholly surrounded by building walls.

Covenant. A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

Curb Level. The elevation of the street grade as established in accordance with the law or when a curb level has not been established, the grade at the center of the street.

Deck. A horizontal, unenclosed platform that is either attached to a structure or detached (freestanding) and is greater than 18 inches in height at any point and has no roof, extended soffit, or walls, but may have railings, seats, or other related features.

Dedication. The transfer of property from private to public ownership.

Deed Restriction. See *Covenant*.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the subdivision of land, the placement of mobile homes, streets, and other paving, utilities, filling, grading, excavation, mining, dredging, or drilling operations.

Driveway. A private roadway providing vehicular access to a street or highway for a lot and its structures, or providing for interior vehicular movement on the lot or within a development.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. If the individual units are self-contained, assisted living facilities for the elderly or disabled as defined by the State of Oregon, having common food preparation, dining, social, recreational, and/or housekeeping facilities, are included in this definition. For the purposes of this Code, the following types of dwellings are defined:

- **Accessory Dwelling Unit.** An additional dwelling unit created on a lot with a single-family dwelling, duplex, townhome, or manufactured home. The second unit is created auxiliary to, and is always smaller than the single-family dwelling, duplex, townhome, or manufactured home. The unit includes its own independent living facilities including provision for sleeping, cooking, and sanitation, and is designed for residential occupancy by one or more people, independent of the primary dwelling unit.
- **Duplex.** A structure that contains two primary dwelling units on one lot. The units must share a common wall or common floor/ceiling.
- **Multi-family Development.** A structure or grouping of structures containing three or more dwellings on the same lot.

- **Multi-family Structure.** A structure containing three or more dwelling units. The land underneath the structure is not divided into separate lots.
- **Manufactured Dwelling.** A dwelling unit constructed off of the site which can be moved on the public roadways. Manufactured dwellings include residential trailers, mobile homes, and manufactured homes.
 - **Manufactured Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.
 - **Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
 - **Residential Trailer.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that was constructed before January 1, 1962.
- **Single-Family Dwelling.** A detached dwelling unit located on its own lot.
- **Residential Care Facility.** *A residential treatment or training home or facilities licensed by the State of Oregon that may provide residential care alone, or in conjunction with treatment and/or training, for individuals who need not be related. Residential care facilities provide accommodations for (6) six or more individuals. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents.*
- **Residential Home.** *A home licensed by or under the authority of the Department of Human Resources which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.*
- **Townhome.** A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s).

Easement. *A right given by the owner of land to another party for specific limited use of that land.*

Enlargement. *A construction activity which increases the size of a building or other structure.*

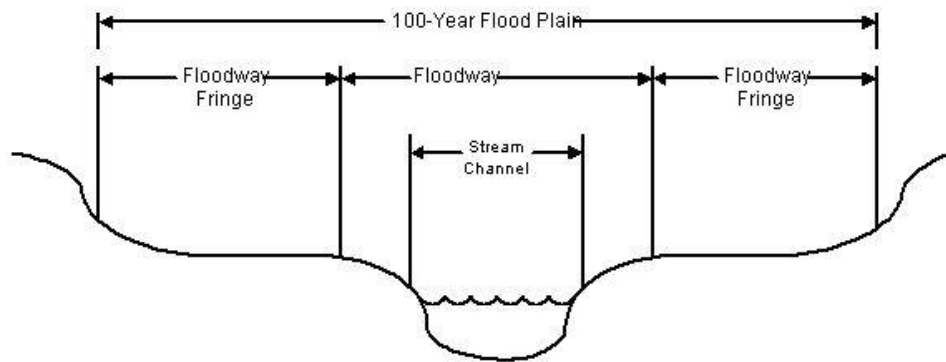
Exception. *A provision, which permits, under specified terms and conditions, particular uses to locate in a zone without detriment to the routine and orderly development as provided for that Zone. The provision is granted by the Planning Commission or other designated entity.*

Family Daycare. Care for not more than 16 children in a home. See ORS 657A.440(4) for applicable licensing and other requirements.

Farm. A lot, parcel, or tract of land used for agricultural purposes on which the primary structure(s) shall be the agricultural building(s) and farm house(s).

Fairgrounds. A facility utilized as an event venue for spectator and non-spectator field or arena events, such as rodeos, animal shows, equestrian events, festivals, as well as uses accessory to the main events, including concerts, parking, concessions sales, souvenir sales and amusement rides.

Flood Hazard Areas. Areas which will be inundated by a 100-year flood event, also called the base flood, are the greatest concern. The 100-year flood plain includes the river channel, the floodway, and the "floodway fringe." Floodway and flood plain boundaries are shown in dark gray on the flood maps; the floodway is crosshatched. It is important to note that the flood maps do not identify all areas subject to flooding, particularly from local drainage sources or from flood events larger than a 100-year flood.



Flood Plain Cross Section

Flood Plain. The FP zone protects the public from flood hazards and preserves scenic and natural resources along river/sloughs and streams.

Floor Area, Gross. The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches and balconies.

Floor Area, Residential. The total area of all floors of a residential building devoted solely to residential use, measured between interior faces of walls, and exclusive of entrance ways, porches, breezeways and roofed terraces, whether enclosed or not, and excluding cellars, basements and garages.

Fraternal Organization. A group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

Frontage. The frontage, or front of a lot, is the side nearest the street. For the purposes of determining yard and setback requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards and setbacks shall be provided as indicated in this Ordinance.

Garage, Private. A structure that is accessory to a residential building and that is used for the parking and storage of vehicles owned or operated by the residents thereof and that is not a separate commercial enterprise available to the general public.

Grade. *The mean curb level, or when the curb level has not been established or all the walls of the building are more than fifteen (15) feet from street lot lines, grade means the mean elevation of the ground adjoining the structure on all sides.*

Height of Building or Structure. *The vertical distance from the grade to the highest point on a building or structure.*

Height of a Communication Tower. *The vertical distance measured from the ground level to the highest point on a Communication Tower, including antennas mounted on the tower.*

Height of Wall. *The vertical distance from the foundation wall or other immediate support of such wall to the top of the wall.*

Home Occupation. *A business activity that is carried out on the same site as a dwelling unit by an occupant of the dwelling unit, and which is accessory to the residential use on the site, subject to the special use provisions of Article 6.*

Hotel. *A building designed for occupancy as the temporary residence of individuals or transients who are lodged with or without meals.*

Interior Street. *A newly constructed street designed to provide vehicular access to abutting properties in a Planned Development and discourage other through traffic. The sole purpose of an interior street is to serve the lots and/or units in a Planned Development.*

Junk. *Any worn, cast off, or discarded articles or material which is ready for destruction or which has been collected or stored for sale, resale, salvage or conversion to some other use. Any such article or material which is stored on a farm for exclusive use of the owner or occupant of the farm or any article or material which, unaltered, not needed to be disassembled or unfastened from, or unchanged and without further reconditioning can be used for its original purpose as readily as when new shall not be considered junk.*

Junk Dealer. *Shall mean any person, as hereinafter defined, who shall engage in the business of selling, buying, salvaging, and dealing in junk and who maintains and operates a junk yard within the City of La Pine.*

Land. *The solid portion of the earth's surface which is capable of being used or occupied.*

Land, Developed. *"Improved land" with buildings.*

Land, Improved. *"Raw land" which has been provided with basic utilities such as water and sewerage, streets, sidewalks, but not buildings.*

Land, Raw. *Vacant land unsubdivided and unimproved (without utilities or streets).*

Landscaping. *Changing, rearranging, or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation or adding vegetation.*

Land Use. *A description of how land is occupied or utilized.*

Large Land Area Commercial Recreation. *See Recreation, Large Land Area Commercial.*

Loading Space. *An off-street space or berth on same lot with a building, or contiguous to a group of buildings, for the temporary stopping of commercial vehicles while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access to a public right-of-way.*

Lodge. *(1) A building or group of buildings under single management, containing both rooms and dwelling units available for temporary rental to transient individuals or families; (2) The place where members of a local chapter of an association hold their meetings; and, the local chapter itself.*

Lot. *The basic development unit - an area with fixed boundaries, used or intended to be used customarily by one building and its accessory building(s) and not divided by any road or alley.*

Lot Area. *The computed area of a lot contained within the lot lines and measured at grade on a horizontal plane in accordance with current law.*

Lot, Corner. *A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lot lines is the "corner".*

Lot Coverage. *The percentage of the lot area occupied or covered by primary and accessory structures.*

Lot Depth. *The mean horizontal distance between the front lot line and the rear lot line.*

Lot, Double Frontage. *An interior lot whose front and rear lot lines abut roads, or a corner lot with two opposite lot lines abutting a road.*

Lot Frontage. *See "Frontage".*

Lot, Interior. *A lot whose side lot lines do not abut a road.*

Lot Lines. *The property lines bounding the lot.*

Lot Line, Front. *The line separating the lot from a road right-of-way or public access easement.*

Lot Line, Rear. *The lot line opposite and most distant from the front lot line.*

Lot Line, Side. *Any lot line other than a front or rear lot line; a side lot line separating a lot from a street is called a side street lot line.*

Lot Line, Alley. *A lot line separating the lot from an alley.*

Lot, Non-Conforming. *A lot lawfully existing at the effective date of the Zoning Ordinance or by subsequent amendment thereto which does not completely conform with the area regulations and other provisions prescribed for the Zone in which it is located.*

Lot of Record. *A lot which is part of a recorded subdivision or a parcel of land which has been recorded or registered in Deschutes County.*

Lot Width. *The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth.*

Marijuana. *All parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin.*

Marijuana Business. *Any establishment operated by any person or entity who is or must be appropriately licensed by the Oregon Health Authority or the Oregon Liquor Control Commission which sells, distributes, produces, cultivates, grows, wholesales, processes, researches, develops or tests any form of marijuana or marijuana derivatives including, but not limited to, marijuana production facilities, marijuana processing facilities, marijuana testing laboratories, marijuana wholesalers, and Marijuana Dispensaries.*

Marijuana Processing Facility. *Any structure in, or premises on, which a person or entity required to be licensed under ORS 475B.090 or ORS 475B.435 (which is not permitted to be located in a residential zone pursuant to state law) operates.*

Marijuana Production Facility. *Any structure in, or premises on, which a person or entity required to be licensed under ORS 475B.070 or ORS 475B.420 operates.*

Marijuana Products. *Any item, good, or product made from or containing marijuana or marijuana derivatives.*

Marijuana Testing Laboratory. *A facility that conducts testing of marijuana products as required by ORS 475B.555 and required to be licensed under ORS 475B.560.*

Marijuana Wholesaler. *Any structure in, or premises on, which a person or entity required to be licensed under ORS 475B.100 operates.*

Marquee. *Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.*

Manufactured Dwelling Park. *Any place where two or more manufactured dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space, or keep space for rent or lease, to any person for a charge or fee paid, or to be paid, for the rental or lease or use of facilities, or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by one manufactured dwelling per lot. See also, ORS Chapter 446.*

Motel. *Any building or group of attached, semi-attached, or detached buildings (not including a trailer) located on a single lot containing individual sleeping or housekeeping units designed for use by transients.*

Non-Commercial Recreation. *See Recreation, Non-Commercial.*

Non-Conforming Structure. *See Structure, Non-Conforming.*

Non-Conforming Use. *See Use, Non-Conforming.*

Nursing Home. *A profit or nonprofit facility licensed by the State of Oregon providing long-term skilled nursing care and/or intermediate nursing care to the aged, ill, or disabled.*

Open Space. *An area of land unoccupied by a building and/or other structure which is maintained to permit human use, recreation, and enjoyment.*

Owner. *The duly authorized agent, attorney, purchaser, devisee, fiduciary or any person having vested or contingent interest in the lot, building, or structure in question.*

Parking Area. *An open space on a lot used as an accessory use for the parking of automotive vehicles.*

Parking Space. *A space, whether outside or inside a structure, to be used exclusively as a parking stall for one (1) motor vehicle.*

Partition. *To divide a lot, parcel or tract of land into two or three parcels, but does not include the following.*

- 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.*
- 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.*
- 3. The division of land resulting from 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.*

Partition, Major. *A partition where a new street or road is created for access to one or more of the parcels created by the partitioning.*

Partition, Minor. *A partition where each lot or parcel created has access to an existing public road, street, highway or way; that is, a partitioning that does not include the creation of a new road or street for access to one or more of the lots or parcels being created. For the purposes of this definition and this definition only, an easement for access of more than 100 feet in length shall be considered a street or road.*

Partition, Series. *A series of partitions, major or minor, of a tract of land resulting in the creation of four or more parcels over a period of more than one calendar year, resulting in a de facto subdivision of land.*

Person. *An individual, association, co-partner or corporation.*

Planned Development. *A contiguous land area under single ownership, containing two (2) or more primary uses, permitted by right or by conditional use in the Zone in which the parcel lies, provided conditional use approval must be obtained through the process outlined in the City's ordinances. Such Planned Developments shall be planned and developed as a whole in a single development operation or in a series of phases. All buildings and/or structures shall conform to the provisions of this Code and all provisions for the established Zone.*

Planning Official (Planning Director). *The City Manager or the person(s), who maybe a City employee or contractor, designated by the City Manager with primary responsibility for administering the La Pine Development Code.*

Plat. *A map, plan or chart of a section or subdivision of the City indicating the location and boundaries of individual lots.*

Plot. *A parcel of land consisting of one or more lots or portions thereof which is described by reference to a recorded plat or by metes and bounds.*

Porch. *A roofed and predominantly open and/or unheated structure projecting from the front, side or rear wall of a building. A porch is considered a part of the primary building and is not permitted to extend into any required yards.*

Primary Structure. *See Structure, Primary.*

Primary Use. *See Use, Primary.*

Projections (into yards). *Parts of buildings such as architectural features which are exempted, to a specified amount, from the yard requirements of this Code.*

Public Safety Facilities. *Facilities that provide police, fire, ambulance and emergency services to the community. With the exception of ambulance services, these facilities are typically publicly owned and operated*

Public Utility Transmission Tower. *A structure, owned and operated by a public utility electric company regulated by the State or Federal government, designed and used to support overhead electricity transmission lines.*

Recreational Vehicle. *A vehicular-type unit primarily designed for temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. No Recreational Vehicle shall be used as a dwelling or business nor shall be used for other than recreational purposes.*

Road. *Any street, highway, or other public roadway which is dedicated to public use by governmental authority.*

Screening. *A method of visually shielding or obscuring abutting or nearby structures or uses from another by fencing, walls, or densely planted vegetation.*

Setback. *See "Building Setback".*

Shelter. *A permanent facility providing temporary housing for individuals and/or families who are homeless or in transition. Services may be provided including, but not limited to, accommodations, meals, toilet/bathing facilities, clothing/laundry, case management services and information on or referral to other community resources.*

Site. *A plot of land intended or suitable for development.*

Site Plan. *A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes, although is not limited to, lot lines, streets, building sites, reserved open space, buildings, major landscape features - both natural and man-made - and the locations of proposed utility lines.*

Specialized Animal Raising, Care & Processing. *Feed lots, pens, facilities or structures, which are maintained in close quarters, related to the processing of animals or animal products for the purpose of sale to market.*

Story. *A part of a building comprised between a floor and a floor or roof next above.*

Street. *See "Road".*

Structure. Means something constructed or built having a fixed base on, or fixed connection to, the ground or another structure.

Structure, Accessory. An attached, semi-detached or detached structure whose use is customarily incidental and subordinate to that of the primary structure or use and which is located on the same lot as the primary structure or use.

Structure, Non-Conforming. A legal structure existing at the effective date of this code or by a subsequent amendment thereto which does not completely conform to the height regulations, area regulations, and other provisions prescribed for the zone in which it is located.

Structure, Primary. A structure in which is conducted the primary use of the lot on which it is located.

Subdivision. The division or redivision of a lot, tract, or parcel of land by any means into three or more lots, tracts, parcels, or other divisions of land, including changes in existing lot lines for the purpose, whether immediate or future, of lease, partition by the court for distribution to heirs or devisees, transfer of ownership, or building or lot development.

Time, Place, and Manner Restrictions. City Ordinance Nos. 2015-02, 2016-10, and 2017-02 and any successor or supplemental ordinance(s), all as may be amended from time to time.

Terminal. (1) A place where transfer between modes of transportation takes place; (2) A terminating point where goods are transferred from a truck to a storage area or to other trucks, or picked up by other forms of transportation.

Trailer. Any licensed or unlicensed piece of mobile equipment designed or constructed to be towed or pulled by a motor vehicle.

Use, Accessory. A use customarily incidental and subordinate to the primary use of a building, structure and/or land or a use not the primary use which is located on the same zoning lot as the primary building, other structure and/or land, except parking and/or loading facilities as herein provided.

Use, Conditional. A permission or approval granted by the City to use land in a zone for a purpose other than that permitted outright in that zone. Conditional uses are specified in this Code and may be approved or denied only in accordance with the express standards and conditions set forth herein. The City may attach such reasonable conditions and safeguards, in addition to those expressed herein, as it may deem necessary to implement the purposes of this Code.

Use, Non-Conforming. A legal use of a building, other structure and/or land existing at the effective date of this Code or by a subsequent amendment thereto, which does not completely conform with the use regulations and other provisions prescribed for the Zone in which it is located.

Use, Primary. The main or primary purpose, for which a building, other structure and/or land is designed, arranged, or intended, or for which it may be used, occupied or maintained under the Zoning Ordinance.

Utility, Private or Public. (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service; (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

Variance. *Relief granted by the City in specific cases, from the terms of this Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Code will result in unnecessary hardship, and so that the spirit of this Code will be observed and substantial justice done.*

Vision Clearance Area. *See “Clear Vision” definition above.*

Visual Obstruction. *Any fence, wall, sign, structure, tree, hedge, or shrub, or a combination of them which limits visibility.*

Yard. *The space contained within the area along the horizontal distance measured at right angles between the property lot line and the nearest wall of a building structure on the lot.*

Yard, Minimum Dimension. *The minimum permitted horizontal distance between a lot line and the nearest point of a main wall of a primary building or structure exclusive of permissible yard encroachments and occupancy and street projections as provided by Section 15.80.040. The measurement of the minimum dimension shall be made at grade and perpendicular to the lot line and building or structure.*

Yard, Rear. *A yard across the full width of the lot, extending from any point of a wall of a building or structure to the rear lot line of the lot.*

Yard, Side. *A yard extending from any point of a wall of a building or structure to the adjacent side lot line of the lot, extending from the front yard to the rear yard.*

Chapter 15.14 – Use Categories

Summary: This chapter is entirely new. Definitions of uses in the current land use ordinances were replaced by a more comprehensive and easy-to-use list of use categories. There are often questions about how a specific use should be classified during the development review process. This chapter is intended to make those questions easier to answer by:

- Providing a more comprehensive list of use categories that will capture a wider range of uses.
- Defining the use categories so they are mutually exclusive (a use can only fit one category).
- Writing more detailed definitions of each use category—including lists of example uses—in a standard format for easy comparison.
- Specifying when it may seem a use would fit in one category, but it actually fits another category (these situations are addressed in the “Exceptions” sections).
- Providing guidance for determining which use on a site is the primary use (see Section 15.14.0030, Classification of Uses).

The use categories also make it easier to regulate uses and apply standards to uses in the code. These terms are used consistently throughout the code. The use categories were written in order to group uses together that have similar characteristics and impacts and are subject to similar regulations under the current land use ordinances. This allows for Article 3 (Zoning Regulations) and Article 6 (Special Use Regulations) to be more concise and easy to understand.

Sections:

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OTHER USE CATEGORIES

- 15.14.500 Agriculture
- 15.14.510 Forestry
- 15.14.520 Mining
- 15.14.530 Wireless Communication Facilities

15.14.010 Purpose

This Chapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The use categories provide a systematic basis for assignment of present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the goals and policies of the Comprehensive Plan.

15.14.020 Category Titles

The names of the use categories start with capital letters throughout Title 15 of the La Pine Municipal Code.

15.14.030 Classification of Uses

A. Considerations.

1. Uses are assigned to the category whose description most closely describes the nature of the primary use. The "Characteristics" subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses. Developments with more than one primary use are addressed in Subsection B below. Accessory uses are addressed in Subsection D below.
2. The following items are considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:
 - a. The description of the activity(ies) in relationship to the characteristics of each use category;
 - b. The relative amount of site or floor space and equipment devoted to the activity;

- c. Relative amount or type of sales from each activity;
- d. The customer type for each activity;
- e. The relative number of employees in each activity;
- f. Hours of operation;
- g. Building and site arrangement;
- h. Type of vehicle used with the activity;
- i. The relative number of vehicle trips generated by the activity;
- j. How the use advertises itself; and
- k. Whether the activity would be likely to be found independent of the other activities on the site.

- B. Developments with multiple primary uses.** When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a salon and a retail store would be classified in the Retail Sales and Service category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.
- C. Use of examples.** The "Examples" subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is "Wholesale Liquidation" but that sells mostly to consumers, would be included in the Retail Sales and Service category rather than the Wholesale Sales category. This is because the actual activity on the site matches the description of the Retail Sales and Service category.
- D. Accessory uses.** Accessory uses are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Common accessory uses are listed as examples with the categories.

RESIDENTIAL USE CATEGORIES

15.14.100 Group Living

- A. Definition.** Group Living is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group will be larger than the average size of a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of lodging (see Commercial Lodging). Generally, Group Living structures have a common eating area for residents. The residents may or may not receive any combination of care, training, or treatment, as long as they also reside at the site. Group Living may include the State definition of residential facility (see Chapter 15.12, Definitions).
- B. Examples.** Group Living is divided into three subcategories based on the nature of the use:

1. Room and board facilities are group living establishments where no personal care, training, and/or treatment is provided. Examples include dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels, lodging houses operated by organizations for members only, and similar uses.
2. Residential care facilities provide housing and care for 6 to 15 individuals, as defined by state statutes (see Section 15.12.020, Definitions).
2. Long-term care facilities are group living establishments that don't meet the definition of a residential care facility but where personal care for children, the aged, and special categories of persons with some limits on ability for self-care is provided. In addition to the provision of room and board, services such as supervision; protection; assistance while bathing, dressing, grooming, or eating; management of money; transportation; and recreation are provided. Medical care may or may not be a major element. Examples include hospice, nursing and personal care facilities, homes for the deaf or blind, and similar uses.

C. Accessory Uses. Accessory uses commonly found are recreational facilities, parking of autos for the occupants and staff, and parking of vehicles for the facility.

D. Exceptions.

1. Lodging where tenancy may be arranged for periods of less than one month is classified as Commercial Lodging or Campgrounds and Recreational Vehicle Parks.
2. Lodging where tenancy is arranged on a month-to-month basis (or for a longer period) where the residents meet the definition of Household is classified as Household Living.

15.14.110 Household Living

A. Definition. Household Living is characterized by the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered residential. They are considered to be a form of transient lodging (see Commercial Lodging). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living. Residential homes as defined by the State of Oregon are included in the Household Living category (see Section 15.12.020, Definitions).

B. Examples. Uses include living in single-family dwellings, townhomes, cottage cluster developments, duplexes, multi-family developments, accessory dwelling units, and manufactured dwellings.

C. Accessory Uses. Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations and temporary manufactured dwellings are accessory uses that are subject to special use standards of Article 6.

D. Exceptions.

1. Lodging where tenancy may be arranged for periods of less than one month is classified as Commercial Lodging or Campgrounds and Recreational Vehicle Parks.

2. In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter.
3. Family daycare limited to on-site care for not more than 16 children and conforming to the state licensing requirements and standards under ORS 657A.250 and ORS 657A.440(4) is permitted as an accessory use. Other daycare uses are classified as Daycare Centers.

COMMERCIAL USE CATEGORIES

15.14.200 Campgrounds and Recreational Vehicle Parks

- A. Definition.** *Campgrounds and Recreational Vehicle Parks are park-like facilities containing sites or spaces for the temporary and recreational occupancy of persons in tents and/or recreational vehicles. Such facility may also contain recreation and other support facilities subordinate to and serving only the camping occupants.*
- B. Examples.** Examples are limited to campgrounds and recreational vehicle parks.
- C. Accessory Uses.** Accessory uses may include common bathrooms and showers, common laundry facilities, offices, a caretaker dwelling, and recreational amenities.
- D. Exceptions.**
 1. The sale or lease of recreational vehicles is classified as Retail Sales and Service.
 2. The service or repair of recreational vehicles is classified as Vehicle Repair.
 3. Lodging that is provided in a permanent structure is classified as Commercial Lodging.
 4. Lodging where tenancy is arranged on a month-to-month basis, or for a longer period, is classified as Household Living.

15.14.210 Commercial Lodging

- A. Definition.** Commercial Lodging includes commercially-owned and -operated overnight accommodations where tenancy is typically arranged on a daily, weekly, or monthly basis and lodging is provided in a permanent structure.
- B. Examples.** Examples may include bed and breakfast inns (see Section 15.12.020, Definitions), hotels and motels, and extended stay hotels or suites.
- C. Accessory Uses.** Accessory uses may banquet, ballroom and conference center facilities, offices, parking for customers and employees, restaurant and bars, support retail activities, indoor or outdoor recreation facilities for use by customers only.
- D. Exceptions.**

1. The leasing of spaces or sites for temporary occupancy of persons in tents and/or recreational vehicles is classified as Campgrounds and Recreational Vehicle Parks.

15.14.210 Commercial Parking

- A. Definition.** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- B. Examples.** Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).
- C. Accessory Uses.** In a parking structure only, accessory uses may include gasoline sales, car washing, and vehicle repair activities if these uses provide service to autos parked in the garage, and not towards general traffic.
- D. Exceptions.**
1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
 3. Public transit park-and-ride facilities are classified as Basic Utilities.

15.14.220 Commercial Recreation

- A. Definition.** Commercial Recreation uses are facilities used for a variety of recreational, entertainment, or social activities, usually operated by a for-profit business or membership organization, but may be conducted by a non-profit or public entity. Activities are primarily by and for participants; spectators are incidental and present on a non-recurring basis. Activities may be conducted within an enclosed building or in open facilities.
- B. Examples.** Examples may include sports courts, bowling alleys, skating rinks, game arcades, pool halls, and billiards halls, indoor firing ranges, golf courses and driving ranges, miniature golf facilities, disc parks, outdoor swimming pools or tracks, fairgrounds, outdoor sport courts and batting cages.
- C. Accessory Uses.** Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.
- D. Exceptions.** None.

15.14.230 Eating and Drinking Establishments

- A. Definition.** Eating and Drinking Establishments sell food and/or beverages to the general public as the primary use, for on-site consumption and/or take-away service.

- B. Examples.** Examples include cafes, coffee shops and delicatessens; dine-in restaurants with or without take-out facilities; drive-up or drive-through restaurants with or without seating; taverns, brew pubs, bars and night clubs.
- C. Accessory Uses.** Offices, parking for customers and employees, storage, outdoor seating, banquet facilities, on-site breweries or wineries with tasting rooms, catering facilities, and incidental retail sales.
- D. Exceptions.**
 - 1. Food service that is accessory to another use, (e.g., hotel), is regulated as part of the primary use.
 - 2. Catering or food preparation without on-site consumption is classified as Retail Sales and Services.

15.14.240 Marijuana Dispensary

- A. Definition.** *Any structure or use of property subject to registration through the Oregon Health Authority under ORS 475B.450 to 475B.455, as a medical marijuana dispensary as defined in ORS 475B.410(16) or licensed through the Oregon Liquor Control Commission under ORS 475B.110 to ORS 475B.125 as a marijuana retailer as defined in ORS 475B.015(20), as such statutes may be amended from time to time, involving the sale, distribution, transmittal, gift, dispensing, and/or otherwise provides marijuana or marijuana products, whether medical or recreational, but excluding the wholesaling, processing, production of marijuana or marijuana products, whether medical or recreational.*
- B. Examples.** Examples are limited to a marijuana dispensary.
- C. Accessory Uses.** Accessory uses include offices, parking for employees and customers, storage of goods, and repackaging of goods for on-site sale.
- D. Exceptions.** The wholesaling, processing, production, or testing of marijuana or marijuana products is classified as Marijuana Facilities.

15.14.250 Quick Vehicle Servicing

- A. Definition.** Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed. Full-serve and mini-serve gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses.
- B. Examples.** Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, quick lubrication services, and Department of Environmental Quality vehicle emission test sites.
- C. Accessory Uses.** Accessory uses may include auto repair and tire sales.
- D. Exceptions.**
 - 1. Truck stops are classified as Industrial Service.

2. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept, are accessory to the use.

15.14.260 Office

- A. Definition.** Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. Traditional Office uses are characterized by activities that generally focus on business, government, professional, medical, or financial services. Industrial Office uses are characterized by activities that, while conducted in an office-like setting, are more compatible with industrial activities, businesses, and districts. Their operations are less service-oriented than Traditional Office uses and focus on the development, testing, production, processing, packaging, or assembly of goods and products, which may include digital products, media content, designs and specifications, computer software, advertising materials, and others. They primarily provide products to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental.
- B. Examples.** Examples include uses from the two subgroups listed below:
1. Traditional Office: Professional services such as lawyers or accountants; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; sales offices; government offices and public utility offices; medical and dental clinics, and blood collection facilities.
 2. Industrial Office: Software and internet content development and publishing; computer systems design and programming; graphic and industrial design; engineers; architects; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; customer call centers; research and development laboratories; and medical and dental laboratories.
- C. Accessory Uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- D. Exceptions.**
1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
 2. Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

15.14.270 Retail Sales and Service

- A. Definition.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or provide product repair or services for consumer and business goods.

B. Examples. Examples include uses from the three subgroups listed below:

1. Sales-oriented. Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales; and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
2. Personal service-oriented. Branch banks; laundromats; photographic studios; photocopy and blueprint services; health and fitness centers; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.
3. Repair-oriented. Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.

C. Accessory Uses. Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.

D. Exceptions.

1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
2. Sales of landscape materials, including bark chips and compost, is classified as Industrial Service.
3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Repair.
4. Repair and service of industrial vehicles and equipment, and heavy trucks is classified as Industrial Service.
5. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
6. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service.
7. Trade schools where industrial vehicles and equipment, including heavy trucks, are operated are classified as Industrial Service.

15.14.280 Vehicle Repair

A. Definition. Vehicle Repair uses are involved in the service and repair of passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed.

- B. Examples.** Examples include vehicle repair, transmission or muffler shop, auto body shop, alignment shop, auto upholstery shop, auto detailing, and tire sales and mounting.
- C. Accessory Uses.** Accessory uses may include offices, sales of parts, vehicle storage.
- D. Exceptions.**
 - 1. Repair and service of industrial vehicles and equipment, and of heavy trucks, is classified as Industrial Service.
 - 2. Towing and vehicle storage is classified as Industrial Service.

15.14.290 Self-Service Storage

- A. Definition.** Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing or removing personal property.
- B. Examples.** Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.
- C. Accessory Uses.** Accessory uses may include security and leasing offices or a caretaker dwelling. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.
- D. Exceptions.** A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse and Freight Movement category.

INDUSTRIAL USE CATEGORIES

15.14.300 Artisanal and Light Manufacturing

- A. Definition.** Artisanal and Light Manufacturing Uses are involved in the fabrication, production, and distribution of goods that do not produce nor cause to be produced noise, glare, vibration, air pollution, fire hazard, or emissions, that is noxious, dangerous, or a nuisance to neighboring properties. The manufacturing activity takes place within an enclosed structure. Retail sales of goods may occur sold on site, as well as instructional services for the public.
- B. Examples.** Examples may include breweries, distilleries, and wineries; production of specialty foods; catering establishments; metalworking; woodworking, including cabinet makers; indoor agriculture; craftsman studios and uses providing instruction and/or retail sales related to painting, sculpting, picture framing, knitting, sewing, and other similar uses.
- C. Accessory Uses.** Accessory uses may include offices, retail sales, instruction studios or classrooms, indoor storage, and parking.

D. Exceptions.

1. Manufacturing uses that may produce impacts on neighboring properties, including but not limited to noise, glare, vibration, air pollution, fire hazard, or emissions, are classified as General Manufacturing.

15.14.310 Automotive Wrecking, Salvage and Junk Yards

A. Definition. Automotive Wrecking, Salvage, and Junk Yards are the *use of more than two hundred (200) square feet of the area of any lot, outside a building, or the use of any portion of that half of any lot that joins any street, for the storage, keeping or abandonment of junk. A "junk yard" shall include an automotive wrecking yard. Three or more unregistered and inoperable vehicles stored on any lot outside of a building shall be considered a junk yard.* The operation of a junk yard requires a license, see Section 15.108.050.

B. Examples. Examples include the sales, repair, storage, salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; and auto and truck salvage and wrecking.

C. Accessory Uses. Accessory uses may include offices, parking, storage, or rail spur or lead lines,

D. Exceptions.

1. Tool, equipment, and heavy truck repair that does not include the use of more than two hundred square feet of outdoor area for storage of junk is classified as Industrial Service.
2. Repair and servicing of consumer vehicles that does not include the use of more than two hundred square feet of outdoor area for storage of junk is classified as Vehicle Repair.

15.14.320 Industrial Service

A. Definition. Industrial Service uses are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

B. Examples. Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific or professional instruments; heavy truck servicing and repair; tire retreading or recapping; truck stops; building, heating, plumbing or electrical contractors; trade schools where industrial vehicles and equipment, including heavy trucks, are operated; printing, publishing and lithography; exterminators; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; laundry, dry-cleaning, and carpet cleaning plants; and photofinishing laboratories.

C. Accessory Uses. Accessory uses may include offices, parking, storage, or rail spur or lead lines.

D. Exceptions.

1. Contractors and others who perform services off-site are included in the Office category, if equipment and materials are not stored at the site, and fabrication, or similar work is not carried on at the site.

2. Hotels, restaurants, and other services which are part of a truck stop are considered accessory to the truck stop.

15.14.330 General Manufacturing and Production

- A. Definition.** General Manufacturing uses are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold onsite, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
- B. Examples.** Examples include processing of food and related products; slaughter houses, and meat packing; weaving or production of textiles or apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; concrete batching and asphalt mixing; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, including musical instruments, vehicles, appliances, precision items, and other electrical items; production of prefabricated structures, including manufactured dwellings; and power or energy generation facilities.
- C. Accessory Uses.** Accessory uses may include offices, cafeterias, parking, employee recreational facilities, warehouses, storage yards, rail spur or lead lines, repair facilities, or truck fleets.
- D. Exceptions.**
 1. Manufacturing of goods to be sold primarily on-site and to the general public are classified as Artisanal and Light Manufacturing.
 2. Manufacture and production of goods from composting organic material is classified as Solid Waste Treatment and Recycling.

15.14.340 Marijuana Facilities

- A. Definition.** Marijuana Facilities are any establishments that meet the definition of marijuana production facilities, marijuana processing facilities, marijuana testing laboratories, or marijuana wholesalers, as defined in Section 15.12.020.
- B. Examples.** Examples are limited to marijuana production facilities, marijuana processing facilities, marijuana testing laboratories, or marijuana wholesalers.
- C. Accessory Uses.** Accessory uses include offices and parking for employees.
- D. Exceptions.** Medical marijuana dispensaries and marijuana retailers are classified as Marijuana Dispensaries.

15.14.350 Wholesale Sales

- A. Definition.** Wholesale Sales uses are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.
- B. Examples.** Examples include sale or rental of machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.
- C. Accessory Uses.** Accessory uses may include offices, product repair, warehouses, parking, minor fabrication services, and repackaging of goods.
- D. Exceptions.**
 - 1. Firms that engage primarily in sales to the general public are classified as Retail Sales and Service.
 - 2. Firms that engage in sales on a membership basis are classified as either Retail Sales and Service or Wholesale Sales, based on a consideration of the characteristics of the use.
 - 3. Firms that are primarily storing goods with little on-site business activity are classified as Warehouse and Freight Movement.

15.14.360 Warehouse and Freight Movement

- A. Definition.** Warehouse and Freight Movement firms are involved in the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- B. Examples.** Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns and light rail barns; parcel services; grain terminals; and the stockpiling of sand, gravel, or other aggregate materials.
- C. Accessory Uses.** Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, and repackaging of goods.
- D. Exceptions.**
 - 1. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste Treatment and Recycling.
 - 2. Mini-warehouses are classified as Self-Service Storage uses.

15.14.370 Waste Treatment and Recycling

- A. Definition.** Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods from the biological decomposition of organic material
- B. Examples.** Examples include sanitary landfills, limited use landfills, waste composting, solid waste incinerators that generate energy, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.
- C. Accessory Uses.** Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.
- D. Exceptions.**
 - 1. Disposal of clean fill material, as defined in OAR 340-093-0030, is not regulated as a land use.
 - 2. Community recycling or composting facilities at a community garden are classified as Community Service.
 - 3. Automotive wrecking yards are classified as Automotive Wrecking Yards and Junk Yards.

INSTITUTIONAL USE CATEGORIES

15.14.400 Basic Utilities

- A. Definition.** Basic Utilities are infrastructure services which need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided.
- B. Examples.** Examples include transportation facilities (includes construction, operation, and maintenance of facilities located within right-of-way controlled by a public agency, consistent with the La Pine Transportation System Plan); water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; water harvesting and re-use conveyance systems and pump stations; stormwater facilities and conveyance systems; telephone exchanges; mass transit stops or turnarounds; and emergency communication broadcast facilities.
- C. Accessory Uses.** Accessory uses may include parking; control, monitoring, data or transmission equipment; and holding cells within a police station.
- D. Exceptions.**
 - 1. Services where people are generally present are classified as Community Services or Offices.
 - 2. Utility offices where employees or customers are generally present are classified as Offices.
 - 3. Bus barns are classified as Warehouse and Freight Movement.

15.14.410 Colleges

- A. Definition.** This category includes colleges and other institutions of higher learning which offer courses of general or specialized study leading to a degree. They are certified by the State Board of Higher Education or by a recognized accrediting agency. Colleges tend to be in campus-like settings or on multiple blocks.
- B. Examples.** Examples include universities, liberal arts colleges, community colleges, nursing and medical schools not accessory to a hospital, and seminaries.
- C. Accessory Uses.** Accessory uses include offices, housing for students, food service, laboratories, health and sports facilities, theaters, meeting areas, parking, maintenance facilities, and support commercial.
- D. Exceptions.** Business and trade schools are classified as Retail Sales and Service.

15.14.420 Community Services

- A. Definition.** Community Services are uses of a public, nonprofit, social, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time. The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature.
- B. Examples.** Examples include libraries; museums; senior centers, community centers, publicly owned swimming pools and youth club facilities; clubs, lodges and fraternal organizations; transit centers; public safety facilities, including fire, police, and ambulance stations; crematoriums, columbariums, mausoleums; soup kitchens; and surplus food distribution centers.
- C. Accessory uses.** Accessory uses may include offices, meeting areas, food preparation areas, parking, health and therapy areas, daycare uses, and athletic facilities.
- D. Exceptions.**
 - 1. Private or commercial athletic or health clubs are classified as Retail Sales and Service. Commercial museums are classified as Retail Sales and Service.
 - 2. Parks are classified as Parks and Open Areas.
 - 3. Uses where tenancy is arranged on a month-to-month basis, or for a longer period, are residential, and are classified as Household or Group Living.

15.14.430 Daycare Centers

- A. Definition.** Daycare Centers includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare Center uses also include the daytime care of teenagers or adults who need assistance or supervision.

- B. Examples.** Examples include child care facilities, preschools, nursery schools, latch key programs, and adult daycare programs.
- C. Accessory Uses.** Accessory uses include offices, play areas, and parking.
- D. Exceptions.**
 - 1. Daycare Centers does not include care given by the parents, guardians, or relatives of the children, or by babysitters.
 - 2. Daycare Centers does not include registered or certified family child care homes as specified in ORS 329A. Registered or certified family child care homes for up to 16 or fewer children, including the children of the provider, that also meet the State’s requirements, are Household Living uses

15.14.440 Medical Centers and Hospitals

- A. Definition.** Medical Centers includes uses providing medical or surgical care to patients and offering overnight care. Medical Centers tend to be on multiple blocks or in campus settings.
- B. Accessory uses.** Accessory uses include out-patient clinics, pharmacies, offices, mobile medical testing centers, laboratories, teaching facilities, meeting areas, cafeterias, parking, maintenance facilities, and housing facilities for staff or trainees.
- C. Examples.** Examples include hospitals and medical complexes or campuses that include hospitals.
- D. Exceptions.**
 - 1. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified in the Group Living category.
 - 2. Medical clinics that provide care where patients are generally not kept overnight are classified as Office.

15.14.450 Parks and Open Areas

- A. Definition.** Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.
- B. Examples.** Examples include parks, public squares, plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, community gardens, cemeteries, and land used for grazing that is not part of a farm or ranch.
- C. Accessory uses.** Accessory uses may include maintenance facilities, concessions, caretaker's quarters, and parking.
- D. Exceptions.** None.

15.14.460 Religious Institutions

- A. Definition.** Religious Institutions are intended to primarily provide meeting areas for religious activities.
- B. Examples.** Examples include churches, temples, synagogues, and mosques.
- C. Accessory uses.** Accessory uses include Sunday school facilities, parking, cemeteries and columbaria, caretaker's housing, and group living facilities such as convents. A religious institution may allow overnight car camping for up to three vehicles as specified in ORS 203.082.
- D. Exceptions.** None.

15.14.470 Schools

- A. Definition.** This category includes public and private schools at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education.
- B. Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- C. Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, athletic fields, auditoriums, and before- or after-school daycare.
- D. Exceptions.**
 - 1. Preschools are classified as Daycare Centers.
 - 2. Business and trade schools are classified as Retail Sales and Service.

OTHER USE CATEGORIES

15.14.500 Agriculture

- A. Definition.** *Agriculture is the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, aquaculture, and animal and poultry husbandry. Agriculture does not include the sale, cultivation, production, or processing of marijuana or marijuana products where such activities require registration, licensing, other approval with or from the State.*
- B. Examples.** *Examples include farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, aquaculture, animal and poultry husbandry; stables; wholesale plant nurseries; and specialized animal raising, care, and processing.*
- C. Accessory Uses.** Accessory uses include necessary activities for packing, treating, or storing the produce; dwellings for proprietors and employees of the use; and animal training.
- D. Exceptions.**

1. *Agriculture does not include the sale, cultivation, production, or processing of marijuana or marijuana products where such activities require registration, licensing, other approval with or from the State.*
2. Agricultural uses contained within a permanent structure, including the cultivation and production of marijuana plants and flowers, are classified as Indoor Agriculture.
3. Livestock auctions are classified as Wholesale Sales.
4. Plant nurseries that are oriented to retail sales are classified as Retail Sales and Service.
5. Horseback riding areas, riding academies, and equestrian centers that are oriented to public use are classified as Commercial Recreation.

15.14.510 Forestry

- A. Definition.** *Forestry uses are the management of forests and timberlands, when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting, and selling trees for commercial purposes, which does not involve any land development.*
- B. Examples.** Example uses include timber harvesting, forest management, *wildfire interface and wildfire prevention activities.*
- C. Accessory Uses.** None.
- D. Exceptions.** None.

15.14.520 Mining

- A. Definition.** Mining includes mining or extraction of mineral or aggregate resources from the ground for off-site use.
- B. Examples.** Examples include quarrying or dredging for sand, gravel or other aggregate materials; mining; and oil, gas, or geothermal drilling.
- C. Accessory uses.** Accessory uses include storage, sorting, stockpiling, or transfer off-site of the mined material.
- C. Exceptions.** None.

15.14.530 Wireless Communication Facilities

- A. Definition.** Wireless Communication Facilities are antenna or other devices and associated towers, equipment, or buildings that are used for the transmission or reception of wireless communication signals.
- B. Examples.** Example uses include communication antenna, communication equipment building, communication tower, or a public utility transmission tower.

C. Accessory uses. None.

C. Exceptions. Satellite dishes, television antennas, or amateur radio equipment, including ham or citizen band radio antenna, are classified as accessory uses and not subject to special use regulations for Wireless Communication Facilities.

ARTICLE 3 – ZONING DISTRICTS

Chapters:

15.16 Establishment of Zones

15.18 Residential Zones

15.20 Residential Master Plan Zone

15.22 Commercial and Mixed-Use Zones

15.24 Industrial and Public Facility Zones

Chapter 15.16 – Establishment of Zones

Sections:

- 15.16.010 Purpose
- 15.16.020 Classification of Zones
- 15.16.030 Determination of Zone Boundaries

Summary: This is a new chapter; however, the content of the chapter largely establishes that there are zoning districts in the City and provides a general introduction to the various zones and their abbreviated names. The section on determining zone boundaries replaces an existing section in the zoning ordinance with a more clearly written section from the DLCD model code, but the content of the provisions is not proposed to change.

15.16.010 Purpose

Chapter 15.16 establishes zoning districts, consistent with the City of La Pine Comprehensive Plan. Every unit of land (parcel, lot, tract, and right-of-way) within the City of La Pine is designated with a zoning district or “zone,” and may also be designated with one or more overlay zones. The use of land is limited to the uses allowed by the applicable zone(s).

15.16.020 Classification of Zones

Zone boundaries are as depicted on the City of La Pine Zoning Map. The Planning Official maintains official copies of the Zoning Map and Comprehensive Plan. Where a conflict between documents arises, the Comprehensive Plan shall govern. The full names, short names, and map symbols of the zones are listed in Table 15.6-1.

Table 15.16-1 — Classification of Zones

Zone Full Name	Short Name/Map Symbol
Residential Single Family	RSF
Residential Multi-Family	RMF
Residential Master Plan	RMP
Traditional Commercial	C
Commercial/Residential Mixed Use	CRMX
Mixed-Use Commercial	CMX
Neighborhood Commercial	CN
Light Industrial	LI
Industrial	I
Public Facility	PF

15.16.030 Determination of Zone Boundaries

Where due to the scale, lack of scale, lack of detail, or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction, or conflict as to the intended location of a zone boundary, the Planning Official or, upon referral, the Planning Commission, shall determine the boundary as follows:

A. Right-of-way.

1. Boundaries that approximately follow the centerlines of a street, highway, alley, bridge, railroad, or other right-of-way shall be construed to follow such centerlines.
2. Boundaries that approximately run parallel to right-of-way shall be construed as being parallel to it and at such distance from it as indicated on the Zoning Map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Zoning Map.
3. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zone designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zone boundary, the vacated lands within the former right-of-way shall be allocated proportionately to the abutting zones.

B. Parcel, lot, tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.

C. Jurisdiction boundary. Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary.

D. Submerged areas. Where areas within the City are underwater and are bounded by two or more zones, the boundary lines of these zones shall be extended to the center of the body of water unless platted.

E. Natural feature. Boundaries indicated as approximately following a river, stream, topographic contour, or similar feature not corresponding to any feature listed in subsection A-D, above, shall be construed as following such feature.

Chapter 15.18 – Residential Zones

Sections:

15.18.100	Purpose
15.18.200	Characteristics of the Residential Zones
15.18.300	Use Regulations
15.18.400	Development Standards
15.18.500	Additional Standards

Summary: This chapter consolidates the regulations of the two primary residential zones in the City into a new standard format for zoning chapters. This standard format includes the following sections:

- Purpose: An overview of the general purpose of these zones
- Characteristics of the zones: A more specific description of the characteristics of each zone. This section should give users an idea of the character of the types of development in the zone.
- Use regulations: This section defines the types of uses are permitted in the zone. Use categories are either Permitted (P), Limited (L), Conditional Uses (CU), or Prohibited (N). Use categories are defined in detail in Article 2 and used consistently across zones. Limited uses include a footnote that corresponds to the “Limited Uses” section above the table. These footnotes describe limitations or special restrictions that only apply to that use category.
- Development standards: This section presents a table of development standards that apply to all uses in the zone. In this chapter, the table includes minimum and maximum residential densities. These density standards are not currently included in the zoning ordinance but are identified in the Comprehensive Plan. The densities are proposed to be incorporated into the code in order to ensure compliance.
- Additional standards: This section presents additional development standards that vary from zone to zone based on the types of uses and anticipated impacts. In some cases, the existing standards were placed in Article 5 (General Development and Design Standards), in order to reduce redundancy.

There were few substantive changes to these zones compared to the existing land use ordinances. One key issue to discuss pertaining to this chapter is the regulation of short-term rental uses (such as vacation rentals or “Airbnb’s”). The zoning ordinance currently allows for “Bed and Breakfast Inns” as permitted use, which are defined as “An owner-occupied residence offering, for pay, overnight or short-term lodging, and breakfast for transient guests where no more than 5 rooms are for rent” (see Article 2). A short-term rental where the owner did not live on site and rented the entire house would not be permitted. Is this consistent with the City’s preferred policies for short-term rentals?

15.18.100 Purpose

Chapter 15.18 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 residential zones. The regulations of this chapter are intended to implement the City of La Pine Comprehensive Plan.

15.18.200 Characteristics of the Residential Zones

Residential zones are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to schools, parks, and community services; and to ensure efficient use of land and public facilities. There are two residential zones in the City:

- 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.
- B. Residential Multi-Family Zone (RMF).** The RMF zone permits residential uses at densities between five and 40 dwelling units per gross acre. Permitted residential uses consist of detached single-family dwellings, townhomes, duplexes, and multi-family housing. The RMF zone also allows community service uses such as churches, schools, and parks that may be subject to special use standards.

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 Chapter 15.104.

- 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 kennels.
 - 3. 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 15.238, Non-Conforming Uses and Development.

Table 15.18-1 — Use Regulations in the Residential Zones

Use Category	RSF	RMF	Special Use Standards
Residential Use Categories			
Household Living	--	--	--
- Single-family dwelling	P	P	--
- Cottage cluster development	P	P	Section 15.104.050
- Townhome	P	P	Section 15.104.020
- Duplex	P	P	Section 15.104.030
- Multi-family development	P	P	Section 15.104.040
- Manufactured dwelling	P	P	--
- Manufactured dwelling park	P	P	Section 15.104.060
- Accessory dwelling unit	P	P	Section 15.104.010
- Residential care home	P	P	Section 15.104.080
Group Living	--	--	--
- Room and board facility	CU	CU	--
- Residential care facility	CU	P	Section 15.104.080
- Long-term care facility	CU	CU	--
Commercial Use Categories			
Campgrounds and Recreational Vehicle Parks	CU	CU	Section 15.108.020
Commercial Lodging	L (1)	L (1)	--
Commercial Parking	N	N	--
Commercial Recreation	CU	CU	Section 15.108.030
Eating and Drinking Establishments	N	N	--
Marijuana Dispensary	N	N	--
Quick Vehicle Servicing	N	N	--
Office	N	N	--
Retail Sales and Service	CU (2)	CU (2)	--
Vehicle Repair	N	N	--
Self-Service Storage	CU	CU	--
Industrial Use Categories – None Permitted			
Institutional Use Categories			
Basic Utilities	P	P	--
Colleges	CU	CU	--
Community Services	CU	CU	--
Daycare Centers	N	N	--

Medical Centers	N	N	--
Parks and Open Areas	L/CU (3)	L/CU (3)	--
Religious Institutions	CU	CU	--
Schools	P	P	--
Other Use Categories			
Agriculture	CU	CU	--
Forestry	P	P	
Mining	N	N	--
Wireless Telecommunication Facilities	C	C	Section 15.108.080

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 15.324, Variances. Additional standards may apply to specific zones or uses, see Section 15.18.500.

Table 15.18-2 — Development Standards in the Residential Zones

Standard	RSF	RMF
Minimum density	1 unit per acre	5 units per acre
Maximum density	7 units per acre	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.
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

Standard	RSF	RMF
- 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	

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.*

Chapter 15.20 – Residential Master Plan Zone

Sections:

15.20.100	Purpose
15.20.200	Characteristics of the Residential Master Plan Zone
15.20.300	Use Regulations
15.20.400	Development Standards
15.20.500	Additional Standards

Summary: This chapter applies the new standard format for zoning chapters to the Residential Master Plan (RMP) zone. This zone is located in the large “Newberry Neighborhood” area that runs along the west side of the City. The area was part of a master planning effort, led by Deschutes County, prior to the incorporation of the City of La Pine. The regulations of the master plan have been incorporated into this base zone chapter and into a special overlay zone for the area. The overlay zone is necessary because the master plan includes detailed use regulations and development standards that vary based on subareas within the master plan area; however, the subareas are not mapped in detail and thus it is not possible to incorporate them as separate base zones in the code. Thus, there is a single base zone (RMP) for the master plan area, and the boundaries of the subareas will be precisely defined when a development is proposed. This base zone provides general direction on allowed uses and largely defers to the overlay zone for more detailed regulations. See Article 4, Chapter 15.32 for the overlay zone (Newberry Neighborhood Planning Area).

15.20.100 Purpose

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

15.20.200 Characteristics of the Residential Master Plan Zone (RMP)

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

15.20.300 Use Regulations

All uses in the RMP zone are subject to the special use regulations of the Newberry Neighborhood Overlay Zone. Use regulations within the overlay zone vary based on the specific location within the overlay zone. Therefore, no uses are permitted outright in the zone. Uses are designated as Limited, Conditional, or Prohibited. As noted in Table 15.20-1, a use may also be subject to Special Use Standards of Chapter 15.104.

- A. Limited Uses (L).** Uses allowed in the RMP zone subject to limitations are listed in Table 15.20-1 with an “L”. Uses may be permitted in some locations and prohibited in other locations. These limitations are specified in the Newberry Neighborhood Overlay zone.
- B. Conditional Uses (CU).** Uses which are allowed if approved through the conditional use review process are listed in Table 15.20-1 with a “CU”. These uses are allowed provided they comply with the conditional use requirements of Chapter 15.316, Conditional Uses. Uses listed with a “CU” may also be subject to special standards of the Newberry Neighborhood Overlay Zone.
- C. Prohibited Uses (N).** Uses listed in Table 15.20-1 with an “N” are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 15.238, Non-Conforming Uses and Development.

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

Use Category	RMP	Special Use Standards
Residential Use Categories		
Household Living	--	--
- Single-family dwelling	L	--
- Cottage cluster development	N	
- Townhome	L	Section 15.104.020
- Duplex	L	Section 15.104.030
- Multi-family development	L	Section 15.104.040
- Manufactured dwelling	L	--
- Manufactured dwelling park	L	Section 15.104.060
- Accessory dwelling unit	L	Section 15.104.010
- Residential care home	L	Section 15.104.080
Group Living	--	--
- Room and board facility	CU	--
- Residential care facility	L	Section 15.104.080
- Long-term care facility	CU	--
Commercial Use Categories		
Campgrounds and Recreational Vehicle Parks	CU	Section 15.108.020
Commercial Lodging	L	--
Commercial Parking	N	--
Commercial Recreation	CU	Section 15.108.030
Eating and Drinking Establishments	L	--
Marijuana Dispensary	N	--
Quick Vehicle Servicing	CU	--
Office	L	--

Use Category	RMP	Special Use Standards
Retail Sales and Service	L	--
Vehicle Repair	CU	--
Self-Service Storage	CU	--
Industrial Use Categories		
Artisanal and Light Manufacturing	CU	Section 15.108.010
Automotive Wrecking, Salvage, and Junk Yards	N	--
Industrial Service	N	--
General Manufacturing and Production	N	--
Marijuana Facilities	N	--
Wholesale Sales	N	--
Warehouse and Freight Movement	N	--
Waste Treatment and Recycling	N	--
Institutional Use Categories		
Basic Utilities	L	--
Colleges	CU	--
Community Services	CU	--
Daycare Centers	L	--
Medical Centers	N	--
Parks and Open Areas	L	--
Religious Institutions	CU	--
Schools	L	--
Other Use Categories		
Agriculture	CU	--
Forestry	L	
Mining	N	--
Wireless Telecommunication Facilities	C	Section 15.108.080

15.20.400 Development Standards

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

Chapter 15.22 – Commercial and Mixed-Use Zones

Sections:

15.22.100	Purpose
15.22.200	Characteristics of the Commercial and Mixed-Use Zones
15.22.300	Use Regulations
15.22.400	Development Standards
15.22.500	Additional Standards

Summary: This chapter applies the new standard format for zoning chapters to the commercial and mixed-use zones. As with the residential zones, the content of the regulations is not proposed to change. The commercial zones have more complex use regulations. These complexities are addressed by the designation of Limited Uses and special provisions in that section.

A key issue for discussion is the regulation of residential uses in the commercial and mixed use zones. Many residential uses are permitted; however, there are currently no minimum or maximum density standards for these zones. The maximum density of the zones is effectively limited by the maximum lot coverage and height standards; however, it is common for cities to use a minimum or maximum density standard to ensure efficient use of public facilities and sufficient capacity to serve new development. To meet these goals, the density standards should be consistent with or greater than the standards that apply to the Residential Multi-Family (RMF) zone. A minimum of 5 units per acre and maximum of 40 units per acre is required in this zone. Is this an appropriate standard for 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 of La Pine 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.

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

- B. Commercial/Residential Mixed Use Zone (CRMX).** The CRMX zone is intended primarily as a smaller scale, service and office commercial district, with associated residential that may consist of upper level units. A live-work design concept within the mixed-use district serves as a buffer between the C zone and residential zones. Residential uses are allowed in the zone but are limited in order to facilitate a mixed-use development pattern.
- 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.
- D. Neighborhood Commercial Zone (CN).** The CN zone allows commercial uses that are intended to serve neighboring residential neighborhoods and are generally compatible with residential 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 Chapter 15.104.

- A. Permitted Uses (P).** Uses allowed outright in the commercial and mixed-use zones are listed in Table 15.22-1 with a “P”.
- 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.
 1. Non-residential uses in the CRMX zone. Non-residential uses are allowed in combination with residential uses in the CRMX zone. Non-residential uses are limited to a total of 60% of the gross floor area of all uses in the development.
 2. Marijuana Facilities in the C and CMX zones. Allowed Marijuana Facilities in the C and CMX zone are limited to marijuana testing laboratories. Marijuana production or processing uses are prohibited.
 3. Retail Sales and Service in the CMX zone. Automobile, RV, and truck sales uses require a conditional use permit. All other Retail Sales and Service uses are permitted outright.
 4. Commercial Lodging in the CN zone. Commercial Lodging uses in the CN zone are limited to bed and breakfast inns.
 5. Retail Sales and Service in the CN zone. Automobile, RV, and truck sales uses 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.
 6. 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.

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.

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 15.238, Non-Conforming Uses and Development.

Table 15.22-1 — Use Regulations in the Commercial and Mixed-Use Zones

Use Category	C	CRMX	CMX	CN	Special Use Standards
Residential Use Categories					
Household Living	--	--	--		--
- Single-family dwelling	CU	P	P	P	--
- Cottage cluster development	CU	P	P	P	Section 15.104.050
- Townhome	CU	P	P	P	Section 15.104.020
- Duplex	P	P	P	P	Section 15.104.030
- Multi-family development	P	P	P	P	Section 15.104.040
- Manufactured dwelling	CU	P	P	P	--
- Manufactured dwelling park	P	P	P	P	Section 15.104.060
- Accessory dwelling unit	P	P	P	P	Section 15.104.010
- Residential care home	CU	P	P	P	Section 15.104.080
Group Living	--	--	--	--	--
- Room and board facility	CU	CU	CU	CU	--
- Residential care facility	P	P	P	P	Section 15.104.080
- Long-term care facility	P	CU	CU	P	--
Commercial Use Categories					
Campgrounds and RV Parks	N	N	CU	CU	Section 15.108.020
Commercial Lodging	P	L (1)	P	L (4)	--
Commercial Parking	CU	L (1)	P	N	--
Commercial Recreation	P	L (1)	P	P	Section 15.108.030
Eating and Drinking Establishments	P	L (1)	P	P	--
Marijuana Dispensary	P	N	P	N	Section 15.108.050
Quick Vehicle Servicing	P	CU	CU	N	--
Office	P	L (1)	P	P	--

Use Category	C	CRMX	CMX	CN	Special Use Standards
Retail Sales and Service	P	L (1)	L/CU (3)	L/CU (5)	--
Vehicle Repair	P	N	CU	N	--
Self-Service Storage	N	N	CU	CU	--
Industrial Use Categories					
Artisanal and Light Manufacturing	CU	N	N	CU	Section 15.108.010
Automotive Wrecking, Salvage, and Junk Yards	N	N	N	N	--
Industrial Service	N	N	N	N	--
General Manufacturing and Production	N	N	N	N	--
Marijuana Facilities	L (2)	N	L (2)	N	Section 15.108.050
Wholesale Sales	N	N	N	N	--
Warehouse and Freight Movement	N	N	N	N	--
Waste Treatment and Recycling	N	N	N	N	--
Institutional Use Categories					
Basic Utilities	P	P	P	P	--
Colleges	P	CU	CU	CU	--
Community Services	P	L (1)	CU	CU	--
Daycare Centers	P	N	P	P	--
Medical Centers	P	N	CU	N	--
Parks and Open Areas	P	P	P	L/CU (7)	--
Religious Institutions	P	CU	CU	CU	--
Schools	P	P	P	P	--
Other Use Categories					
Agriculture	N	N	N	CU	--
Forestry	P	P	P	P	--
Mining	N	N	N	N	--
Wireless Telecommunication Facilities	P	L/CU (6)	L/CU (6)	C	Section 15.108.080

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 15.324, 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	C	CRMX	CMX	CN
Minimum lot width	None	None	None	25 feet
Minimum setbacks	--	--	--	--
- Front or street-side yard	20 feet	20 feet	20 feet	20 feet
- Side yard	None	10 feet None for townhomes	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	None	10 feet	10 feet	15 feet
Maximum building height	70 feet	45 feet	45 feet	45 feet
Maximum lot coverage	80%	60%	60%	50%
Minimum landscaped area	See 15.18.500.B and Chapter 15.82			

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.*
- 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.*
 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.*

- 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.*
- 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.*

Chapter 15.24 – Industrial and Public Facility Zones

Sections:

15.24.100	Purpose
15.24.200	Characteristics of the Industrial and Public Facility Zones
15.24.300	Use Regulations
15.24.400	Development Standards
15.24.500	Additional Standards

Summary: This chapter applies a new standard format for zoning chapters to the industrial and public facility zones. As with other zoning chapters, the content of the regulations is not proposed to change. There are some complex use regulations in these zones pertaining to commercial uses. Generally, commercial uses are limited in order to preserve land for industrial uses and ensure compatibility of uses within the zone. These limitations are addressed in the section on Limited Uses. With the exception of confirming that the use regulations have been incorporated accurately from the previous ordinances, there are no key issues to address in this chapter.

15.24.100 Purpose

Chapter 15.24 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 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.

- A. Light Industrial Zone (LI).** The LI zone is intended to allow for a mix of industrial and manufacturing businesses alongside industrial services, research and development, and small-scale retail and professional services.
- B. Industrial Zone (I).** The I zone allows for the same uses as the LI zone, but also provides suitable locations for more intensive industrial uses, such as those with processing, manufacturing, assembly, packaging, distribution, or other activities
- 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.

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 Chapter 15.104.

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 15.14.260). 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 15.108.050.
5. General Manufacturing and Production in the LI zone. Agricultural processing establishments require a conditional use permit. 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. 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.

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 15.238, Non-Conforming Uses and Development.

Table 15.24-1 — Use Regulations in the Industrial and Public Facility Zones

Use Category	LI	I	PF	Special Use Standards
Residential Use Categories – None Permitted				
Commercial Use Categories				
Campgrounds and Recreational Vehicle Parks	N	N	N	--
Commercial Lodging	N	N	N	--
Commercial Parking	N	N	N	--
Commercial Recreation	N	N	N	--
Eating and Drinking Establishments	L (1)	N	N	--
Marijuana Dispensary	N	N	N	--
Quick Vehicle Servicing	P	N	N	--
Office	L (2)	L (2)	L (2)	--
Retail Sales and Service	L (3)	N	N	--
Vehicle Repair	P	N	N	--
Self-Service Storage	CU	P	P	--
Industrial Use Categories				
Artisanal and Light Manufacturing	P	P	P	Section 15.108.010
Automotive Wrecking, Salvage, and Junk Yards	L (4)	N	L/CU (4)	Section 15.108.040
Industrial Service	P	N	N	--
General Manufacturing and Production	L/CU (5)	P	P	--
Marijuana Facilities	N	L/CU (7)	N	Section 15.108.050
Wholesale Sales	P	P	P	--
Warehouse and Freight Movement	L/CU (6)	P	P	--
Waste Treatment and Recycling	N	N	CU	Section 15.108.070
Institutional Use Categories				
Basic Utilities	P	P	P	--
Colleges	N	N	N	--
Community Services	N	N	N	--
Daycare Centers	P	N	N	--
Medical Centers	N	N	N	--
Parks and Open Areas	CU	CU	CU	--
Religious Institutions	N	N	N	--
Schools	N	N	N	--
Other Use Categories				

Use Category	LI	I	PF	Special Use Standards
Agriculture	N	N	N	--
Forestry	P	P	P	--
Mining	N	CU	CU	Section 15.108.060
Wireless Telecommunication Facilities	P	P	P	Section 15.108.080

15.24.400 Development Standards

- A. Purpose.** The development standards for industrial and public facility 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 industrial and public facility zones are presented in Table 15.24-2. Development standards may be modified as provided by Chapter 15.324, Variances. Additional standards may apply to specific zones or uses, see Section 15.24.500.

Table 15.24-2 — Development Standards in the Industrial and Public Facility Zones

Standard	LI	I	PF
Minimum setbacks	--	--	--
- Front or street-side yard	20 feet	None	None
- Side yard	10 feet	None	None
- Rear yard	10 feet	None	None
Maximum building height	45 feet	75 feet	75 feet
Maximum lot coverage	60%	80%	80%
Minimum landscaped area	See 15.24.500.A and Chapter 15.82		

15.24.500 Additional Standards

- A. Landscaping Standard.** *Any portion of a lot developed for industrial 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.*
- B. Screening Requirements.** *All accessory storage of junk, waste, discarded or salvaged material, machinery, or equipment shall not be permitted except within a completely enclosed structure. Or if the lot area devoted to such use is over two-hundred (200) square feet in area, the owner may have the alternative of enclosing it on all sides, except for an exit and entrance not over twenty-five (25) feet in width, by a solid fence or wall at least six (6) feet in height and maintained in good condition or by a cyclone or equal-wire fence at least six*

(6) feet in height and surrounded, except for an exit and entrance not over twenty-five feet in width, by evergreens at least six (6) feet in height and planted not further apart than six (6) feet so as to form a solid screen. See also Chapter 15.82 for additional screening requirements.

- 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.*
- E. Emissions.** *Industrial uses shall comply with all applicable pollution control regulations enacted by the federal and state government and other governmental authorities.*
- F. Noise.** *Industrial uses shall provide necessary shielding or other protective measures against interference caused by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.*
- G. Lighting.** *All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.*

ARTICLE 4 – OVERLAY ZONES

Chapters:

- 15.30 Overlay Zones Generally
- 15.32 Newberry Neighborhood Planning Area
- 15.34 Transitional Areas
- 15.36 Floodplain Overlay Zone
- 15.38 Little Deschutes River Riparian Overlay Zone
- 15.40 Downtown Overlay Zone

Chapter 15.30 - Overlay Zones Generally

Sections:

15.30.010 Purpose

15.30.020 Scope of Overlay Zones

15.30.030 Overlay Zone Maps

Summary: This Chapter includes new language intended to clarify the role of overlay zones relative to the “base zones” and other standards of the code. Key changes include:

- Clarifying that when there is a conflict between the overlay zone regulations and the base zone or other regulations of this Title, the overlay zone regulations control.

15.30.010 Purpose

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

15.30.020 Scope of Overlay Zones

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

15.30.030 Overlay Zone Maps

The boundaries of each overlay zone established are shown on maps located at the end of each chapter. In addition, overlay zone boundaries are identified on the Official Zoning Maps

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

Sections:

15.32.010	Purpose
15.32.020	General Standards
15.32.100	Districts

Summary: This Chapter is from the current Zoning Ordinance “Additional regulations for the Newberry Neighborhood Planning Area”. The project team has made some minor edits to update references and remove references to the Deschutes County Code (DCC). However, some references to the DCC remain. The project team and City Attorney may recommend further updates as part of the next draft. However, **significant changes to this chapter are outside the scope of this project.**

15.32.010 Purpose

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

15.32.020 General Standards

A. Water and Wastewater Facilities

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

B. Transportation

- 1. Two perimeter collector and three neighborhood collector roads will provide access from Huntington Road into the neighborhoods.*
- 2. The central collector and a perimeter collector will provide access from Burgess Road. The three perimeter collectors dividing the neighborhoods will be adjacent to open space corridors that provide buffers between the four Neighborhoods in the Neighborhood Planning Area.*
- 3. Driveway access will not be allowed onto the central collector and the neighborhood collectors.*
- 4. Rather than a continuous paved parking shoulder, parking in designated pullout areas can be provided along the collectors for access to open space, parks and residential lots.*
- 5. Direct access from residential lots onto the local streets and perimeter collectors is permitted.*

6. *Shallow vegetated swales alongside the roads will provide for drainage.*
7. *A network of multi-use paths will be developed parallel to many of the collector roads and in the open space buffer areas within the development and along Huntington Road and the eastern perimeter collector parallel to Highway 97.*
8. *The precise layout of these roads and multi-use paths will occur during the Quadrant Plan approval process as each Neighborhood and Quadrant is planned.*
9. *Modifications to the layout and/or alignment of a path or trail outside of the Neighborhood/Quadrant process shall follow an administrative process as determined by the City.*

15.32.100 Districts

A. Residential General District

1. **Purpose:** *The Residential General District is the largest area of Neighborhood Planning Area. The district is primarily for single-family residential uses with a variety of lot sizes and housing styles. Some higher density housing is allowed in specified locations.*
2. **Uses permitted outright.**
 - a. *Single-family dwelling, including a "Class A" manufactured home.*
 - b. *Duplex.*
 - c. *Accessory dwelling.*
 - d. *Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process*
 - e. *Open space.*
 - f. *Residential facility or residential home.*
 - g. *Home occupation that:*
 - (1) *Is carried on within a dwelling only by members of the family who reside in the dwelling;*
 - (2) *Does not serve clients or customers on-site;*
 - (3) *Does not produce odor, dust, glare, flashing lights or noise;*
 - (4) *Does not occupy more than 25 percent of the floor area of the dwelling; and*
 - (5) *Does not include the on-premises display or sale of stock in trade.*
 - (6) *Does not have any outdoor storage of materials used in the home occupation.*
 - h. *Road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the City's Transportation System Plan and Public Works Improvement Standards.*
3. **Uses Permitted Subject to Site Plan Review.** *The following uses and their accessory uses are permitted subject to Site Plan Review approval and the applicable provisions of this Code:*

- a. *Multi-family dwelling, located along the central collector road in the Neighborhood Planning Area or adjacent to Huntington or Burgess Roads.*
- b. *Bed and Breakfast Inn, located along the central collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.*
- c. *Child care facility located adjacent to the central or a neighborhood collector road in the Neighborhood Planning Area or Huntington or Burgess Roads.*
- d. *Park or playground.*

4. Conditional Uses Permitted. *The following uses and their accessory uses are permitted subject to Conditional Use approval and the applicable provisions of this Code:*

- a. *Home occupation subject to 15.104.110.*
- b. *Outdoor Recreational Equipment Storage area as defined in DCC 18.04 until the City develops its own standards.*

5. Dimensional Standards. *The lot size, lot coverage block length, block perimeter and building height standards shown in Table 15.32-2 shall apply to the Residential General District.*

6. Yard and Setback Requirements. *The front, side and rear yard requirements in Table 15.32-2 shall apply to uses in the Residential General District.*

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

B. Residential Center District. *Purpose: The Residential Center District is a location for social activities and small mixed-use residential/commercial businesses. It is located near the geographical center of each Neighborhood. This district is the location for more compact housing types such as townhomes and apartment buildings that activate the center and allow a greater number of people the option to walk for their daily needs.*

1. Uses permitted outright.

- a. *Single-Family Dwelling.*
- b. *Single-Family Dwelling – Zero Lot Line*
- c. *Townhome, duplex or triplex.*
- d. *Accessory dwelling.*
- e. *Live/work unit.*
- f. *Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process.*
- g. *Open space.*
- h. *Home occupation that:*
 - (1) *Is carried on within a dwelling only by members of the family who reside in the dwelling;*
 - (2) *Does not serve clients or customers on-site;*

- (3) Does not produce odor, dust, glare, flashing lights or noise;
- (4) Does not produce odor, dust, glare, flashing lights or noise;
- (5) Does not occupy more than 25 percent of the floor area of the dwelling; and
- (6) Does not include the on-premises display or sale of stock in trade; and,
- (7) Does not have any outdoor storage of materials used in the home occupation.

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

2. Uses Permitted Subject to Site Plan Review. The following uses and their accessory uses are permitted subject to Site Plan Review approval and the applicable provisions of this Code.

- a. Community center up to 4,000 square feet in floor area.
- b. Neighborhood commercial building as defined in DCC 18.04 until the City develops its own standards.
- c. Multi-family dwelling.
- d. Bed and Breakfast Inn.
- e. Church.
- f. Park or playground.

3. Conditional uses permitted. The following uses and their accessory uses are permitted subject to Conditional Use and Site Plan Review approval and the applicable provisions of this Code:

- a. Residential facility or residential home.
- b. Home occupation subject to 15.104..

4. Dimensional standards. The lot size, lot coverage block length, block perimeter and building height standards shown in Table 15.32-2 shall apply to the Residential Center District.

5. Yard and setback requirements. The front, side and rear yard requirements in Table 15.32-2 shall apply to uses in the Residential Center District.

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

D. Community Facility District. Purpose: The purpose of this district is to provide a location for public and private uses and facilities that serve the civic, social and recreational needs of the community. The Community Facility District also includes higher density housing.

1. Uses Permitted Outright.

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

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

2. *Uses Permitted Subject to Site Plan Review.* *The following uses and their accessory uses are permitted subject to Site Plan Review approval and the applicable provisions of this Code:*

- a. *Multi-family dwelling.*
- b. *Continuing care retirement center.*
- c. *Hospital.*
- d. *Medical facility.*
- e. *Assisted living, congregate care facility.*
- f. *Nursing home.*
- g. *Mixed use building (residential with other permitted use in the district).*
- h. *Child care center.*
- i. *Public use.*
- j. *Community center.*
- k. *Church.*
- l. *Senior center.*
- m. *Library.*
- n. *Museum.*
- o. *Performing arts building.*
- p. *Theater.*
- q. *School.*
- r. *Park or playground.*

3. *Conditional Uses Permitted.* *The following uses and their accessory uses are permitted subject to Conditional Use and Site Plan Review approval and the applicable provisions of this Code:*

- a. *Single-family dwelling.*
- b. *Retail or professional office use that supports a permitted use in the district.*

4. *Dimensional Standards.* *The lot size, lot coverage block length, block perimeter and building height standards shown in Table 15.32-2 shall apply to the Community Facility District*

5. *Yard and Setback Requirements.* *The front, side and rear yard requirements in Table 15.32-2 shall apply to uses in the Community Facility District.*

E. *Community Facility Limited District.* *Purpose. The purpose of this district is to provide locations for a school, recreation and transportation facilities.*

1. Uses permitted outright.

- a. *Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process.*
- b. *Open space.*
- c. *Road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the City's Transportation System Plan and Public Works Improvement Standards.*

2. Uses Permitted Subject to Site Plan Review. *The following uses and their accessory uses are permitted subject to Site Plan Review approval and the applicable provisions of this Code:*

- a. *Park and ride facility.*
- b. *School.*
- c. *Park or playground.*

3. Uses Permitted Subject to Conditional Use. *The following uses and their accessory uses are permitted subject to Conditional Use and Site Plan Review approval and the applicable provisions of this Code:*

- a. *Equestrian facility.*

F. Neighborhood Commercial District. *Purpose: The purpose of this district is to provide a location for small-scale convenience commercial uses designed to serve the Neighborhood Planning Area.*

1. Uses Permitted Outright.

- a. *Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process.*
- b. *Open space.*
- c. *Road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the City's Transportation System Plan and Public Works Improvement Standards.*

2. Uses Permitted Subject to Site Plan Review. *The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to Site Plan Review approval and the applicable provisions of this Code:*

- a. *Convenience market.*
- b. *Video store.*
- c. *Retail store.*

3. Conditional Uses Permitted. *The following uses and their accessory uses are permitted in a building or buildings each not exceeding 4,000 square feet of floor space, subject to Conditional Use and Site Plan Review approval and the applicable provisions of this Code. Such as but not limited to:*

- a. *Restaurant.*

- b. *Laundromat.*
- c. *Dry cleaning.*
- d. *Art studio in conjunction with retail use.*
- e. *Professional office.*

4. Dimensional Standards. *The lot size, lot coverage block length, block perimeter and building height standards shown in Table 15.32-2 shall apply to the Commercial District.*

5. Yard and Setback Requirements. *The front, side and rear yard requirements in Table 15.32-2 shall apply to uses in the Commercial District.*

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

1. Uses Permitted Outright.

- a. *Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process.*
- b. *Open space.*
- c. *Road or street project subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the City's Transportation System Plan and Public Works Improvement Standards.*

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

- a. *Neighborhood Park.*

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

- a. *Regional Park.*

4. Neighborhood Park Development Standards.

- a. **Size standard.** *Neighborhood Parks shall be a minimum of two acres and no more than five acres in size.*
- b. **Location.** *Neighborhood Parks shall be located at the center of each Neighborhood and be fronted on at least three sides by public streets including the central collector and a neighborhood collector.*
- c. **Boundary Determination.** *The boundaries of the Neighborhood Parks are generally depicted on the Neighborhood Planning Area Park Plan, Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The exact boundaries of the Neighborhood Parks shall be established at the time of approval of a Quadrant Plan under DCC 18.61.050(J) until the City develops its own standards.*
- d. **Platting.** *Neighborhood Parks shall be platted as part of the first phase subdivision in an approved*

Quadrant Plan.

5. Regional Park Development Standards.

- a. *The La Pine Neighborhood Planning Area may include one Regional Park. The Regional Park may be developed in Neighborhood 3 or 4.*
- b. *Size Standard. The Regional Park shall be between 10 and 25 acres in size.*
- c. *The location of a Regional Park shall be determined during the quadrant planning of Neighborhoods 3 and/or 4.*
- d. *If the Regional Park is located at the intersection of the central collector and a neighborhood collector at the center of a Neighborhood, it may replace the required Neighborhood Park.*
- e. *Siting Standards.*
 - *The Regional Park shall have direct access to either a collector street and an arterial street or the central collector and a neighborhood collector street.*
 - *The Regional Park shall have direct access to a paved multi-use path.*

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

1. Perimeter Open Space Uses Permitted Outright.

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

2. Corridor Open Space Uses Permitted Outright.

- a. *Open space.*
- b. *Multi-use path(s) and modifications of paths and/or trail alignments consistent with the intent of the Plan as determined by the City through an administrative process.*
- c. *Picnic area.*
- d. *Benches along multi-use path.*
- e. *Park or playground managed by the La Pine Park District or a Neighborhood Planning Area homeowners association.*

3. Uses Permitted Subject to an Open Space Management Plan under the provision of 15.32.100(H)(4).

- a. *Vegetation management for wildfire hazard reduction.*
- b. *Vegetation management for wildlife habitat enhancement.*
- c. *Landscaped earthen berm.*

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

4. Open Space Management Plan.

- a. *An open space management plan shall be prepared for each Quadrant as a component of a Quadrant Plan. The plan shall be implemented as a condition of approval for the final plat of the first phase of any development in a Quadrant. The open space management plan shall identify the funding source and management responsibility for zoned open space.*

I. Quadrant Plan.

Plan Approval Required. Prior to issuance of a building permit, approval of a tentative plan or initiation of development including streets or placement of utilities within a Neighborhood or Quadrant, a Quadrant Plan shall be approved according to the provisions of DCC 18.61.050 until the City develops its own standards.

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

2. **Application Requirements.** *All applications shall include the following elements.*

- a. *Zoning Plan, drawn to scale, showing the boundaries of the proposed zones and the acres in each zone.*
- b. *Transportation Plan, drawn to scale, including locations of street rights-of-way for central collector, neighborhood collector, perimeter collector and local streets, block configurations and connections with adjacent Quadrants.*
- c. *Non-motorized Circulation Plan showing locations of any sidewalks or multi-use paths and where they will connect to adjacent Quadrants.*
- d. *Open Space and Park Plan, drawn to scale, defining boundaries for the open space district and Neighborhood or Regional Parks where applicable.*
- e. *Open Space Management Plan.*
- f. *Utility Plan, drawn to scale, identifying location and specifications for sewer and water facilities. The utility plan shall include a schedule of improvement initiation and completion and a written narrative that explains or describes:*
 - *How the proposed water and sewer systems will be adequate to serve the type and size of development planned.*
 - *How the proposed location and sizing of facilities will be consistent with existing and planned facilities.*
 - *How adequate water flow volumes will be provided to meet fire flow and domestic demands.*
- g. *Proposed design guidelines and process for reviewing and approving buildings for conformance with the guidelines. Notwithstanding DCC 23.40.020(F)(1)(g), and this requirement, no design guidelines shall be required for Quadrant 1c until the City develops its own standards.*

- h. A plan showing the zone boundaries for Neighborhood General and Neighborhood Center Districts.*
 - i. A plan showing the proposed locations and dimensions of road rights-of-way.*
 - j. A written burden of proof statement with findings demonstrating conformance with the goals and policies of The Deschutes County Comprehensive Plan, DCC 23.40.020, the applicable sections of DCC 18.61, and any other applicable provisions of DCC Title 18 until the City develops its own standards.*
 - k. A proposal for deed restrictions, Covenants, Conditions and Restrictions (CCRs), and a homeowners association. Notwithstanding DCC 23.40.020(F)(1)(g) and (h), no proposal for deed restrictions, CCRs, and a homeowners association shall be required with an application for a quadrant plan for Quadrant 1c until the City develops its own standards.*
- 3. Quadrant Plan Approval.** *Approval of a Quadrant Plan is a land use action and shall be reviewed under the provisions of DCC 22.20.020 until the City develops its own standards. Notwithstanding the order of hearings bodies listed under DCC 22.24.020(A), Quadrant Plans shall be subject to a public hearing before the City of La Pine Planning Commission. The Planning Commission shall make the decision to approve or deny an application for a Quadrant Plan. The Board of County Commissioners will act as the hearings body on an appeal of such a decision. An appeal of a quadrant plan decision shall be considered pursuant to DCC Chapter 22.32, Appeals. A Quadrant Plan may be approved subject to conditions with findings that the following criteria are met:*
- a. The Quadrant Plan contains all of the elements required in DCC 18.61.050(J)(3) until the City develops its own standards.*
 - b. The Quadrant Plan conforms to the policies in the Deschutes County Comprehensive Plan, DCC 23.36.052 until the City develops its own standards.*
 - c. There is adequate sewer and water capacity to serve the development planned for the Quadrant and agreements to provide service have been signed with appropriate water and sewer districts or providers.*
 - d. The streets proposed in the Quadrant Transportation Plan conform to the general location and connection requirements of the La Pine Neighborhood Street Plan, Figure 15 in the Deschutes County Comprehensive Plan, DCC 23.36.052. The proposed street design conforms to the standards in DCC Title 17, Table 15.32-2 for the La Pine Neighborhood Planning Area. Final locations of road rights-of-way approved under a quadrant plan will be determined through the process for approval of a tentative plat under DCC Title 17 until the City develops its own standards.*
 - e. The multi-use paths are located within or adjacent to the Perimeter or Corridor Open Space as generally shown in the Non-Motorized Plan, Figure 16 in the Deschutes County Comprehensive Plan, DCC .23.36.052 until the City develops its own standards. Path(s) and modifications of paths and/or trail alignments must consistent with the intent of the Plan as determined by the City through an administrative process*
 - f. The open space in the Open Space and Park Plan conforms to the standards in Deschutes County Comprehensive Plan, DCC 23.36.020(D) and general location shown in the La Pine Neighborhood Parks and Open Space Plan, Figure 17 in the Comprehensive Plan. DCC 23.36.052 until the City develops its own standards.*
 - g. The Zoning Plan conforms to the following performance standards:*

- (1) *Neighborhood Commercial District.* A minimum of two and a maximum of four acres of Neighborhood Commercial District shall be established in Quadrant 3a or 3c. Alternatively, if Quadrant Plans for Quadrant 3a and 3c are approved at the same time, the maximum area of Neighborhood Commercial District may be divided between the two Quadrants. The Neighborhood Commercial zone shall be located at the intersection of Huntington Road and the neighborhood collector that bisects Neighborhood 3.
 - (2) *Community Facility District.* Quadrant 1c shall be zoned as Community Facility District.
 - (3) *Community Facility Limited District.* The portion of Quadrant 3a that is located west of Huntington Road shall be zoned Community Facility Limited. A maximum of 15 acres in the northwest section of Quadrant 4a may be zoned Community Facility Limited.
 - (4) *Residential Center District.* Each Quadrant except Quadrant 1c and 1d shall have a Residential Center District with a minimum of three acres and a maximum of six acres. The area of the Residential Center District is gross acres including public rights-of-way. The Residential Center District shall be a contiguous area located so that it is adjacent to both the central collector and the collector street that bisects the Neighborhood.
 - (5) *Residential General District.* The area zoned Residential General shall be the area in each Quadrant that remains after the mandatory minimum Residential Center, Neighborhood Parks and Open Space zoning is defined.
4. *Neighborhood Park District.* Where a Neighborhood Park is specified on the La Pine Neighborhood Parks and Open Space Plan (Figure 17 in the Deschutes County Comprehensive Plan, DCC 23.36.052, the Quadrant Plan shall zone a minimum of two acres and a maximum of five acres as Neighborhood Park District until the City develops its own standards. The Neighborhood Park District shall be located at the intersection of the central collector and the neighborhood collector that that bisects the Neighborhood.
 5. *Open Space District.* The Quadrant Plan shall designate the following minimum areas as Open Space District:
 - (1) *Minimum 500 foot wide Corridor Open Space Buffer between Neighborhoods 1 and 2; 2 and 3; and 3 and 4.*
 - (2) *Minimum 200 foot wide Perimeter Open Space adjacent to Highway 97.*
 - (3) *Minimum 75 foot wide Perimeter Open Space adjacent to Huntington and Burgess Roads.*
 - (4) *Minimum 50 foot wide Perimeter Open Space on the west edge of Quadrants 4a and 4c.*
 6. *The proposed residential densities and lot sizes conform with the requirements of the Residential General and Residential Center Zones as further described as follows in Tables 15.32- 1 and 15.32-2:*

Table 15.32-1 – La Pine Neighborhood Planning Area Density Standards

	Maximum Density	Minimum Density	Lot Size Range for Single-family
Neighborhood 1			
- Residential Center	12 units/acre	8 units/acre	2,400 – 4,500

	Maximum Density	Minimum Density	Lot Size Range for Single-family
- Residential General	6 units/acre	3 units/acre	4,000 – 7,000
<i>Neighborhood 2, 3 & 4</i>			
- Residential Center	12 units/acre	6 units/acre	2,400 – 7,000
- Residential General	6 units/acre	2 units/acre	7,000 – 15,000

Note: Density is calculated using gross acres, excluding collector street right-of-way.

Table 15.32-2 – La Pine Neighborhood Planning Area Zoning Standards

	Residential General	Residential Center	Community Facility	Community Facility Limited	Neighborhood Commercial
Lot Size					
<i>Single Family Neighborhood 1</i>					
- Maximum sq. ft.	7,000	4,500	N/A	N/A	N/A
- Minimum sq. ft.	4,000	2,400	N/A	N/A	N/A
<i>Single Family Neighborhood 2</i>					
- Maximum sq. ft.	15,000	5,000	N/A	N/A	N/A
- Minimum sq. ft.	7,000	3,500	N/A	N/A	N/A
<i>Townhome</i>					
- Minimum sq. ft.	N/A	2,400	2,400	N/A	N/A
<i>Duplex Triplex</i>					
- Minimum sq. ft.	8,000	8,000	8,000	N/A	N/A
<i>Multi-family</i>					
- Maximum sq. ft.	no maximum	no maximum	no maximum	N/A	N/A
- Minimum sq. ft.	15,000	10,000	10,000	N/A	N/A
<i>Other uses</i>					
- Maximum sq. ft.	no maximum	no maximum	no maximum	no maximum	22,000
- Minimum sq. ft.	7,000	4,500	None	None	7,000
Lot Width					
<i>Minimum (feet)</i>	50' for detached dwellings 24' for attached townhome	35' for detached single-family dwelling 24' for attached	50'	50'	50'

	Residential General	Residential Center	Community Facility	Community Facility Limited	Neighborhood Commercial
		<i>townhome or zero lot line development</i>			
Lot Depth					
<i>Minimum (feet)</i>	100'	100'	150'	150'	150'
Residential Density (per gross acre) (1)					
<i>Neighborhood 1</i>					
<i>Maximum</i>	8.0	12.0	12.0	N/A	N/A
<i>Minimum</i>	3.0	8.0	N/A	N/A	N/A
<i>Neighborhoods 2, 3 & 4</i>					
<i>Maximum</i>	6.0	12.0	N/A	N/A	N/A
<i>Minimum</i>	2.0	6.0			
Setbacks - Primary Building					
<i>Front</i>	15' min.	10' min.	10' min	10' min	10' min.
<i>Side</i>	10' min.	None	5' min. or 0 lot line	5' plus 1/2 foot for each ft. building height exceeds 20'	5' plus 1/2 foot for each ft. building height exceeds 20' height
<i>Side at corner (2)</i>	10'	5' or 0 lot line	5'	5'	5'
<i>Rear</i>	10'	None except abutting Residential General 5'	None except abutting Residential General 5'	5' plus 1/2 foot for each ft. building height exceeds 20'	5'
Garage Setbacks					
<i>Min. from front of building</i>	5'	5'	5'	N/A	N/A
Special Setbacks					
<i>Percentage of the front side of the structure that shall be sited at the minimum front yard setback.</i>	N/A	50% min.(2)	N/A	N/A	N/A
Lot Coverage					
<i>Maximum</i>	35%	50%	60%	60%	50%
Block Requirement(3)					

	<i>Residential General</i>	<i>Residential Center</i>	<i>Community Facility</i>	<i>Community Facility Limited</i>	<i>Neighborhood Commercial</i>
<i>Maximum Perimeter</i>	2,000'	1,600'	1,200'	N/A	1,200'
<i>Maximum block length without pedestrian connection</i>	600'	600'	400'	800'	600'
Building Height					
<i>Primary</i>	30'	40' except Res. General standards apply to single family. Townhomes 35 ft. max.	45' except Res. General standards apply to single family. Townhomes 35 ft. max.	45'	30'
<i>Accessory Dwelling or Building</i>	20'	25'	30'	30'	25'
<i>Higher with Conditional Use Permit</i>	NO	YES up to 40'	YES	YES	NO
<i>Minimum Onsite Parking</i>	LPDC 15.86	LPDC 15.86	LPDC 15.86	LPDC 15.86	LPDC 15.86

Notes:

- (1) Gross acres, excluding collector street right of way
- (2) Must meet clear vision requirements of in Article 5..
- (3) The block requirements not applicable to review and approval of quadrant plans.

Chapter 15.34 Transitional Areas (TA) Overlay Zone

Sections

15.34.010	Purpose and Intent
15.34.020	Uses
14.34.030	Master Plan Required
15.34.040	General Standards
15.34.050	Application
15.34.060	Preliminary Development Plan Application

Summary: This Chapter is primarily from the current Zoning Ordinance; however, some additional language (in plain text) from the City’s Comprehensive Plan was added to provide context and guidance for this Overlay Zone. **Significant changes to this chapter are outside the scope of this project.**

15.34.010 Purpose and Intent

The two Transition Areas within the City are located along the Burgess Road, Huntington Road and Highway 97 corridors (in the northern part of the City) and on some undeveloped properties in the southern part of the City where single family residential land abuts industrial land. The Transition Areas, which total 212 acres, were so designated because these areas were primarily undeveloped larger lots and are located in areas where adjoining land uses and transportation facilities could cause conflicts between uses. Additionally, these properties are located in areas where increased residential density and/or a mix of residential and commercial uses may be appropriate due to their proximity to major transportation corridors and existing facilities and services.

- A. North Transition Area.** As the development and improvements to the transportation facilities occurs in the future, a development pattern that includes a mixture of service commercial uses and medium density residential development is desired. Such development should occur in a master planned fashion and should treat all sides of the development in a similar fashion – the development must not be linear in nature and should tie together all sides of the surrounding development.
- B. South Transition Area.** As development of the industrial and single family residential areas occurs over time, the development of the transition area as a graduated multi-family residential buffer between the uses is desired. It is anticipated that the average density within the transition area will be medium density, but portions along the edges will vary in their densities in a manner that corresponds with the desired development pattern in the adjoining district. Such development should occur in a master planned fashion and should treat all sides of the development in a similar fashion – the development should be done in a manner where it is integrated into the surrounding development pattern and be respectful of all sides of the surrounding uses.

15.34.020 Uses

TA Transitional Areas

Principal uses

All principal residential and commercial uses, excluding Marijuana Businesses

Forestry activities, including but not limited to timber harvesting

These uses shall be implemented as transitional uses between different zones as shown on the zoning map. Development in the TA requires master planning to assess uses and transitional needs given the specific area of development.

Conditional uses

All conditional uses in the residential and commercial zones

Accessory uses to a Primary Use*

Clearly incidental & subordinate uses

*Accessory uses shall be constructed after or in conjunction to the construction of the property's primary use.

15.34.030 Master Plan Required

- A. Development within Transition Areas shall be master planned to show an inter-relationship between the proposed development, and infrastructure and adjoining land uses.
- B. *The purpose of a master plan is to provide opportunities to create a desirable environment through the application of flexible design and development standards to tracts of land under common ownership or control. It is intended to provide a transition area between zones and to blend uses without creating conflict between different zones. The master plan shall encourage a creative approach in the development of land in an efficient and aesthetic manner and to provide a desirable use of open areas, while encouraging a higher dwelling unit density and area coverage permitted in the abutting zones. It is intended to achieve economy in development and maintenance while providing privacy, usable open space, safe pedestrian and vehicular circulation and compatible relationships between different land uses.*

15.34.040 General Standards

The following standards and requirements shall apply to all special master plans in the TA zones:

- A. *The maximum number of developable units or the dwelling unit density allowed is determined by dividing the minimum lot area allowed in the abutting zone into the net land area of the project. Development occurring next to a single-family residential district may exceed by 20 percent the average dwelling unit density permitted by the underlying zone. Development occurring in multi-family districts may exceed by 30 percent the average dwelling unit density permitted by the underlying zone;*
- B. *The perimeter of the project shall be aesthetically compatible with the land use of adjoining properties. Perimeter lots adjoining or abutting property outside the project shall comply with the requirements of the underlying zone, or shall be screened in an aesthetic manner from adjoining properties so as to protect such adjacent lots from visual and audible impacts from the project which are inconsistent with the underlying*

zoning;

- C. Improvements on the site shall contain adequate landscaping so as to provide a compatible effect as seen from the adjoining properties;*
- D. One or more major egress circulation points must be functionally connected to a public arterial or collector street or streets;*
- E. Open space shall be arranged so as to be an integrated part of the project, not isolated and apart therefrom;*
- F. A minimum of 20 percent of the land area of every master plan shall be comprised of open space.*
- G. Water and sewer systems shall be publicly owned and designed to city standards;*
- H. Streets may be private or public.*

15.34.050 Application

- A. The process to be followed in the application for a master plan shall consist of four procedures:
 - 1. Conceptual review by the City staff.*
 - 2. Review of the preliminary development plan by the City Planning Commission and recommendation to the City Council.*
 - 3. Approval of the preliminary development plan by the City Council.*
 - 4. Approval of the utility and street plans by the City staff and approval of the final development plan by the City Council.**

15.34.060 Preliminary Development Plan Application Procedure

The applicant shall submit to the City three copies of the preliminary plan material, including the following:

- A. Legal description of the project and site location map of the property;*
- B. A proposed site plan and/or drawings showing the principal topographic contours and designated placement, location and principal dimensions of buildings, streets, parking areas, recreational areas, other open space and landscaping areas;*
- C. Preliminary elevation and perspective drawings of project structures and improvements;*
- D. Description of the special features of the development;*
- E. A text describing conditions or features which cannot be adequately displayed on maps or drawings;*
- F. A description of plans for covenants, restrictions, uses and continuous maintenance provisions for the project;*
- G. The following plans and diagrams:*

1. *A survey of the property, showing existing features, including contours, buildings, structures, streets, utility easements, rights-of-way, and existing land use;*
2. *An off-street parking plan;*
3. *A circulation diagram indicating the proposed movement of vehicles and pedestrians within the planned unit development and to and from existing and planned thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern must be shown;*
4. *Preliminary landscape plans;*
5. *A topographic map or model of the site and surrounding vicinity;*
6. *Preliminary drainage plan;*
7. *Proposed source of water supply, electric supply, cable, gas, fiber, and sewage disposal;*
8. *Preliminary layout of water and sewer system;*
9. *Lighting plan;*
10. *Site plan showing minimum lot area, lot dimensions, lot coverage and yard requirements and the building heights.*

Chapter 15.36 Flood Plain Overlay Zone (FP)

Sections

15.36.010	Purpose
15.36.020	Designated Areas
15.36.030	Use Regulations
15.36.040	Application for Conditional Use
15.36.050	Elevation Certification
15.36.060	Yard and Setback Requirements
15.36.080	Little Deschutes River/Slough and Stream Setbacks
15.36.100	Dimensional Standards
15.36.120	Warning and Disclaimer of Liability
15.36.140	Interpretation of FIRM Boundaries

Summary: This Chapter is from the current Zoning Ordinance. Minor changes to reference the “Code” rather than the “ordinance” were made. However, **significant changes to this chapter are outside the scope of this project.**

The Flood Plain zone includes all areas designated as "Special Flood Hazard Areas" in a study prepared locally using local rainfall and geologic information. Flood hazard areas are shown on maps prepared by the federal government in 1988 as a result of the county's participation in the National Flood Insurance Program. Deschutes County is one of many organizations and agencies responsible for development in the flood plain. For example, lending institutions require property owners to obtain flood insurance before any loan is given for development in a flood plain. If you are considering buying a lot or building in the FP zone, you should first consult with a planner so that you are aware of special requirements involved.

15.36.010 Purpose

The purposes of the Flood Plain Overlay Zone are: To implement the Comprehensive Plan; to protect the public from the hazards associated with flood plains; to conserve important riparian areas along river/sloughs and streams for the maintenance of the fish and wildlife resources; and to preserve significant scenic and natural resources while balancing the public interests with those of individual property owners in the designated areas.

15.36.020 Designated Areas

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for Deschutes County, Oregon and Incorporated Areas" revised September 28, 2007, with accompanying Flood Insurance Rate Maps is hereby adopted by reference and incorporated herein by this reference. The Flood Insurance Study is on file at the Deschutes County Community Development Department. The Flood Plain Zone shall include all areas designated as "Special Flood Hazard Areas" by the Flood Insurance Study for Deschutes County. When base flood elevation data has not been provided in the Flood Insurance Study, the City will obtain, review and reasonably utilize any base flood elevation or floodway data available from federal, state or other sources, in determining the location of a flood plain or floodway.

15.36.030 Use Regulations

A. Prohibited Uses.

1. *Marinas, boat slips and boat houses on private property.*

B. Uses Permitted Outright.

In addition to the underlying zones and their permitted/conditional uses, the following uses and their accessory uses are permitted outright:

1. *Agricultural use conducted without establishing or utilizing a structure. A "structure" does not include a boundary fence as long as such fence is designed to impede as little as possible the movement of floodwaters and flood-carried material.*
2. *Management, propagation and harvesting of a forest product.*
3. *Open space.*
4. *Portions of a residential use that do not contain structures, such as lawn, garden or play areas.*
5. *Road or street projects subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the City that do not involve Floodplain development.*
6. *Excavation, grading and fill for the routine maintenance and repair of existing roads and roadway drainage within the road right-of-way that will have not have an adverse effect on flood waters.*
7. *Operation, maintenance, and piping of existing irrigation systems operated by an Irrigation District.*
8. *Recreational vehicles provided they meet the standards and criteria established by this Code.*

C. Conditional Uses Permitted.

The following uses and their accessory uses may be allowed subject to applicable sections of this ordinance:

1. *A roadway, bridge or utility structure, except a landfill, that will not impede the waters of a base flood.*
2. *Incidental storage of material or equipment that is either not subject to damage by flood, or is mobile and readily removable from the area within time available after flood warning. If such material is not readily removable, it shall be anchored to prevent flotation and shall not obstruct water flow. Material or equipment stored shall include only items which will not create a hazard to the health or safety of persons, property, animals or plant life should the storage area be inundated.*
3. *Single-family dwelling, or a manufactured home on an individual lot. In addition to the other requirements of this code, single-family dwellings proposed to be sited in areas of the Flood Plain Overlay Zone designated "Agriculture" on the Comprehensive Plan Map may be approved. Single-family dwellings proposed to be sited in areas of the Flood Plain Zone designated "Forest" on the Comprehensive Plan Map may be approved and are subject to the applicable provisions of this Code.*

4. *Agricultural accessory buildings.*
5. *Hydroelectric facilities.*
6. *Excavation, grading and fill and removal within the bed and banks of a stream or river/slough or in a wetland, subject to this Code.*
7. *Recreational uses requiring only structures having an insignificant effect on flood waters outside the Floodway, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, wildlife or nature preserves, game farms, fish hatcheries, shooting preserves and hunting or fishing areas.*
8. *Subdividing or partitioning of land, any portion of which is located in a flood plain, subject to the provisions of this Code.*
9. *All new construction, expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other non-residential structure, or an accessory building having an insignificant effect on flood waters.*
10. *A boat dock or pier, either individual or community, on private property which lies on the Deschutes River between river miles 226.4 and 224.5. This area is identified in the Scenic Waterway Management Plan as the Wickiup River Community Area.*
11. *Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an Irrigation District, including the excavation and mining for facilities, ponds, reservoirs, and the off-site use, storage, and sale of excavated material.*

D. Limitations on Conditional Uses.

The following limitations shall apply to all uses allowed by this Code:

1. *No new construction of a dwelling (including manufactured housing), accessory structure or farm use structure shall be allowed in the floodway of any river/slough or stream except for replacement in conformance with the applicable provisions of a dwelling lawfully in existence as of the effective date of Code.*
2. *No new construction of a dwelling (including manufactured housing), accessory structure or farm use structure shall be located in the flood plain unless it can be demonstrated by the applicant that no alternative exists on the subject property which would allow the structure to be placed outside of the flood plain.*
3. *No subdivision or partition shall be allowed which creates the potential for additional residential dwellings in the flood plain.*
4. *All necessary federal, state, and local government agency permits shall be obtained.*

15.36.040 Application for Conditional Use

A. Contents of an Application

All records of any application for a conditional use permit and all certification of elevations shall be maintained in the records of the City for public inspection. An application for a conditional use permit in the Flood Plain Overlay Zone shall, at a minimum, contain the following information:

- 1. A detailed explanation of why it is necessary to conduct the proposed use in the Flood Plain Overlay Zone. Where base flood elevation data is not available from the Flood Insurance Study or from another authoritative source, it shall be generated and submitted with the application for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).*
- 2. A site plan, drawn to scale and accompanied by drawings, sketches and descriptions which describe and illustrate the proposed use. This site plan shall include, at a minimum, existing and proposed site contours in relation to the base flood elevation, existing and proposed structures, drainage facilities, and an explanation of how erosion will be dealt with during and after construction of the use.*
- 3. The location of the property relative to the channel of the river/slough or stream.*
- 4. The location of existing and proposed diking or abutments, if any.*
- 5. The elevation of the lowest habitable floor and of any basement floor for any dwelling unit or structure.*
- 6. The elevation to which the structure is to be floodproofed, if applicable.*
- 7. Elevations on the site plan shall be established by a licensed surveyor or engineer, and shall be in relation to mean sea level.*
- 8. Certification by a registered professional engineer or architect that the floodproofing methods for any structure meet the floodproofing criteria established by the Federal Emergency Management Agency and the applicable standards of this Code.*
- 9. All other elements or information which will assist in the evaluation of the proposed development and conformance with the applicable criteria.*

B. Criteria to Evaluate Conditional Uses

- 1. A conditional use permit in a Flood Plain Overlay Zone shall not be approved unless all standards established by the Federal Emergency Management Agency and this Code are addressed and findings are made by the City that each of the standards and criteria are satisfied.*
- 2. Approval to alter or relocate a water course shall require notification to adjacent communities, the Department of Land Conservation and Development and Department of State Lands, prior to any such alteration or relocation and submit evidence to the Federal Insurance Administration. Maintenance shall be provided within the altered and relocated portion of said watercourse so that the flood carrying capacity is not diminished.*

3. *A conditional use permit shall be based upon findings which relate to the property and existing and proposed structure(s). They shall not pertain to the property owner, inhabitants, economic or financial circumstances.*
4. *All structures in the flood plain shall meet the following standards.*
 - a. **Anchoring.**
 - (1) *All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.*
 - (2) *All manufactured homes must be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.*
 - b. **Construction Materials and Methods.**
 - (1) *All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.*
 - (2) *All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.*
 - (3) *Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.*
 - c. **Utilities.**
 - (1) *All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.*
 - (2) *New and replacement sanitary systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into flood waters.*
 - (3) *On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.*
 - d. *Below-grade crawlspace is allowed subject to the standards in FEMA Technical Bulletin 11-01.*
5. **Subdivision and Partition Proposals.**
 - a. *All subdivision and partition proposals shall be consistent with the need to minimize flood damage.*
 - b. *All subdivision and partition proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.*
 - c. *All subdivision and partition proposals shall have adequate drainage provided to reduce exposure to flood damage.*
6. **Review of Building Permits.** *Where elevation data is not available either through the Flood Insurance Study or from another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. (Failure to elevate at least two feet above grade in these zones may result in higher*

insurance rates.)

7. **Specific Standards.** *In the Flood Plain Zone, the following requirements must be met:*

a. Residential Construction.

(1) *New construction, including replacement, and substantial improvement of any residential structure shall have the lowest floor of the entire structure, including basement, elevated at least one foot above base flood elevation.*

(2) *Fully enclosed areas below the lower floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must satisfy the standards in FEMA Technical Bulletin 11-01 and must either be certified by a registered professional engineer or architect and ~~or~~ must meet or exceed the following criteria:*

- *A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.*
- *The bottom of all openings shall be no higher than one foot above grade.*
- *Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.*

b. Nonresidential Construction. *New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:*

(1) *Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.*

(2) *Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.*

(3) *Be certified by a registered professional engineer or architect that the design and methods of construction are subject to accepted standards of practice for meeting provisions of this Code, based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the City as set forth in this Code.*

(4) *Nonresidential structures that are elevated, but not flood proofed, must meet the same standards for space below the lowest floor.*

(5) *Applicants for floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the flood level will be rated as one foot below that level).*

c. Manufactured Homes. *All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation. Such manufactured homes shall be securely anchored to an adequately anchored foundation system.*

d. Parking Facilities. *No parking facility shall be located within 20 feet (measured at right angles) of the ordinary high water mark (OHM).*

8. **Floodways.** *In floodways the following provisions shall apply:*
- a. *Encroachments, including fill and removal, replacement of a dwelling lawfully in existence on the effective date of this Code and other development are prohibited unless certification by a registered professional engineer is provided demonstrating that the proposed encroachments will not result in any increase in flood levels during a base flood discharge.*
 - b. *The applicant must demonstrate that all necessary federal, state and local government agency permits have been or can be obtained and that all other applicable sections of this code have been satisfied.*
 - c. *Replacement of a dwelling shall not increase the square footage or footprint of the structure by more than 20 percent of the square footage or footprint of such dwelling as of the effective date of this Code.*
 - d. *No replacement of a dwelling shall be allowed if the use of the preexisting dwelling has been abandoned or otherwise terminated for a period of over one year.*

15.36.050 Elevation Certification

Elevation of all new construction, including replacement and substantial improvements, relative to mean sea level of the lowest floor shall be documented before the framing inspection with a survey certified by a State of Oregon registered professional engineer or land surveyor.

15.36.060 Yard and Setback Requirements

In an FP Zone, the following yard and setback requirements shall be maintained:

- A. *The front setback shall be a minimum of 20 feet from a property line fronting on a local street, 30 feet from a property line fronting on a collector and 50 feet from an arterial.*
- B. *There shall be a minimum side yard of 10 feet for all uses.*
- C. *The minimum rear yard shall be 20 feet.*
- D. *The minimum yard setback for a nonfarm use from the property line adjacent to a farm use not owned by the applicant shall be 100 feet.*
- E. *In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the City shall be met.*

15.36.080 Little Deschutes River/Slough and Stream Setback

To permit better light, air, vision, stream and pollution control, to protect fish and wildlife areas and to preserve the natural scenic amenities along streams and lakes, the following setbacks shall apply:

- A. *All sewage disposal installations such as septic tanks or septic drain fields shall be setback from the ordinary high water mark along all river/sloughs and streams a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the County Sanitarian finds that a closer location will not endanger public health or safety, a setback exception may be permitted to locate these facilities closer to the stream or lake, but in*

no case closer than 25 feet.

- B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles from the ordinary high water mark.*

15.36.100 Dimensional Standards

In an FP Zone, the following dimensional standards shall apply:

- A. **Lot Coverage.** The main building and accessory buildings located on any building site or lot shall not cover in excess of 30 percent of the total lot area.*
- B. **Building Height.** No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed through an exception.*
- C. Minimum lot size shall be 10 acres for all areas which have received an exception to the Statewide Planning Goals for resource uses. Areas which have not received an exception to the Statewide Planning Goals shall have a minimum lot size of 80 acres.*

15.36.120 Warning and Disclaimer of Liability

The degree of flood protection required by the City is considered reasonable for regulatory purposes and is based upon scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Code shall not create liability on the part of the City, Deschutes County, any officer, agent or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Code or any decision lawfully made hereunder.

15.36.140 Interpretation of FIRM Boundaries

The City shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

Chapter 15.38 - Little Deschutes River Riparian Overlay Zone (LDRROZ)

Sections

15.38.010	Purpose
15.38.020	Definitions
15.38.030	Riparian Corridors in La Pine
15.38.035	Little Deschutes River/Slough and Streamline Setbacks
15.38.040	Allowed Activities Within the Little Deschutes River Riparian Corridor Overlay Zone
15.38.050	Alteration Requiring Mitigation
15.38.060	Variance

Summary: This Chapter is from the current Zoning Ordinance. Some minor updates have been made, including copying Section 15.38.035 from Floodplain to this chapter and moving the variance approval criteria to Article 8. However, **significant changes to this chapter are outside the scope of this project.**

15.38.010 Purpose

The purpose of this Chapter is to protect La Pine’s water bodies and associated riparian areas, thereby protecting the hydrologic, ecological and land conservation functions these areas provide. This Chapter is intended to protect habitat for fish, other aquatic life, and wildlife; safeguard water quality for human uses and for aquatic life; control erosion and limit sedimentation; and reduce the effects of flooding. This Chapter attempts to meet these goals by excluding structures from areas adjacent to fish-bearing lakes and streams and their associated wetlands, and by prohibiting vegetation removal or other alterations in those areas.

15.38.020 Definitions

The following words and phrases are defined for use in Chapter 15.38. If a term is defined in both Chapter 15.38 and Chapter 15.12, the definition in Chapter 15.38 shall be used if the application of the term is within the parameters of the Little Deschutes River Riparian Overlay Zone.

- A.** *“Fish Use” means inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification maps.*
- B.** *“Impervious surface” means any material which reduces or prevents absorption of storm water into previously undeveloped land.*
- C.** *“Lawn” is grass or similar materials maintained as a ground cover of less than 6 inches in height, and generally managed to restrict the growth of shrubs and trees that inhibit the growth of grasses and forbs. For purposes of this Chapter, lawn is not considered native vegetation regardless of the species used.*
- D.** *“Mitigation” A means of compensating for impacts to a Significant Riparian Resource including: restoration, creation, or enhancement. Some examples of riparian impact mitigation actions are replanting trees, removal of nuisance plants, and restoring streamside vegetation where it is disturbed or were it has been degraded due to past practices.*

- E. *“Net Loss” means a permanent loss of riparian functions provided by riparian structure and vegetation that results from a development action despite mitigation measures having been taken.*
- F. *“Off Site Mitigation” means mitigation undertaken on a lot or parcel adjacent to or distant from the lot or parcel affected by a development action.*
- G. *“On Site Mitigation” means mitigation undertaken within the lot or parcel affected by a development action.*
- H. *“Ordinary high water level” shall be regarded as the 2-year recurrent flood elevation.*
- I. *“Riparian area” is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.*
- J. *“Riparian corridor” is a Goal 5 resource that includes the water areas, fish habitat, riparian areas, and adjacent wetland and upland areas that serve to protect water quality and the habitat functions of the water body.*
- K. *“Stream” is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.*
- L. *“Structure” is a building or other major improvement that is built, constructed or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components that are not customarily regulated through zoning ordinances.*
- M. *“Substantial Improvement” is any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:*
 - 1. *Before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred.*
 - 2. *For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.*

The term “substantial improvement” does not, however, include either:
 - 3. *Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or*
 - 4. *Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.*
- N. *“Top of Bank” means a distinct break in slope between the stream bottom and the surrounding terrain which corresponds with the bankfull stage (the two-year recurrence interval flood elevation) of the stream.*

15.38.030 Riparian Corridors in La Pine

The inventory of riparian corridors established by Deschutes County as Goal 5 resources serves as the City’s inventory. This inventory identifies the Little Deschutes River as the only fish-bearing stream within the City of La

Pine. Based on the classification contained in this inventory, it shall be protected as a significant riparian resource as follows:

- A. Along the Little Deschutes River, the significant riparian resource shall extend 75 feet upland from the top of each bank except as identified in Subsection (B).*
- B. Where the riparian corridor includes all or portions of a significant wetland as identified in the Goal 5 element of the Deschutes County Comprehensive Plan, the distance to the significant riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.*
- C. Except as provided for in Subsection (B), the measurement of distance to the significant riparian corridor boundary shall be from the top of bank. In areas where the top of the bank cannot be clearly determined, the significant riparian corridor boundary shall be measured from the ordinary high water level.*

15.38.035 Little Deschutes River/slough and Stream Setbacks

To permit better light, air, vision, stream and pollution control, to protect fish and wildlife areas and to preserve the natural scenic amenities along streams and lakes, the following setbacks shall apply:

- A.** All sewage disposal installations such as septic tanks or septic drain fields shall be setback from the ordinary high water mark along all river/sloughs and streams a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the County Sanitarian finds that a closer location will not endanger public health or safety, a setback exception may be permitted to locate these facilities closer to the stream or lake, but in no case closer than 25 feet.
- B.** All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles from the ordinary high water mark.

15.38.040 Allowed Activities Within the Little Deschutes River Riparian Corridor Overlay Zone

LDRRA Overlay Little Deschutes River Riparian Area Overlay Zone

Principal uses

All underlying zone principal uses

Conditional uses

All underlying zone conditional uses

Accessory uses to a Primary Use*

Clearly incidental & subordinate uses

**Accessory uses shall be constructed after or in conjunction to the construction of the property's primary use.*

- A.** *The permanent alteration of the significant riparian corridor by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed to minimize intrusion into the significant riparian corridor, and no other options or locations are feasible:*
1. *Streets, roads, and paths.*
 2. *Drainage facilities, utilities, and irrigation pumps.*
 3. *Water-related and water-dependent uses.*
 4. *Replacement of existing structures with structures in the same location that do not disturb additional surface area.*
 5. *Non-conforming uses existing fully or partially within the significant riparian corridor may be expanded, provided the expansion does not occur within the significant riparian corridor. Substantial improvement of a non-conforming structure in the significant riparian corridor shall comply with the standards of this Code.*
 6. *Shoreline stabilization and flood control structures that legally existed on the effective date of this Code may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the Director and appropriate state natural resource agency staff. Such alteration of the significant riparian corridor shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs.*
- B.** *Removal of vegetation is prohibited, except for:*
1. *Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.*
 2. *Removal of vegetation necessary for the development of approved water-related or water-dependents uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use.*
 3. *Trees in danger of falling, as determined by a certified arborist, and thereby posing a hazard to life or property may be felled, following consultation and approval from the Director. The Director may require these trees, once felled, to be left in place in the riparian corridor.*
 4. *Existing lawn within the significant riparian corridor may be maintained, but not expanded to further intrude into the resource.*
- C. Exceptions:** *The following activities are not required to meet the standards of this section.*
1. *Commercial forest practices regulated by the Oregon Forest Practices Act.*
 2. *Normal and accepted farming practices other than the construction of buildings, structures, or paved roads.*

15.38.050 Alteration Requiring Mitigation

- A. *Permanent alteration of the significant riparian corridor by placement of a structure or impervious surface not provided for under 15.38.040 may be allowed adjacent to a significant riparian corridor as established under section II (B) of this Code under the following conditions:*
1. *Placement of fill, impervious services (including structures), and removal of vegetation shall be limited to the minimum amount necessary to accommodate the use. Any vegetation removed in excess of this standard shall be non-native species, and the proposal shall specify replacement of that vegetation with native species.*
 2. *The applicant shall provide sufficient information regarding the proposed development, the impacts to resources in the riparian corridor, and mitigation measures to allow the Director, in consultation with the Oregon Department of Fish and Wildlife, to determine if the proposal will provide equal or better protection of riparian resources within the designated corridor through, provision of additional buffer along other portions of the reach, or enhancement and restoration of degraded riparian resources within the designated corridor. This information shall include at least a plot plan showing the top of bank, the extent of development within the significant riparian corridor, uses that are proposed to occur in association with the development, the extent of vegetation removal proposed, characteristics of the existing vegetation (types, density), proposed riparian enhancement or restoration measures, proposed alterations of topography or drainage patterns, and existing uses on the property.*
 3. *Proposals for development activities within the significant riparian corridor permitted under this section shall be subject to review by the Oregon Department of Fish and Wildlife, according to OAR 635-415, the Fish and Wildlife Habitat Mitigation Policy. Proposed alterations of the riparian corridor shall result in at least no net loss of riparian values or functions.*
 4. *In no case shall a structure or impervious surface intrude more than 37.5 feet into the significant riparian corridor as measured from the significant Riparian area boundary established under section II B of this ordinance.*
 5. *Findings shall be provided that demonstrate that any necessary state or federal permits will be obtained.*

15.38.060 Variance

In cases where the limitations on activities within the significant riparian corridor unduly restricts the development of a lot or parcel legally created before the effective date of this Code, a property owner may request a Riparian Variance in accordance with the application provisions in Article 8.

Chapter 15.40 - Downtown Overlay Zone

Sections

15.40.010	Purpose
15.40.020	Applicability
15.40.030	Uses
15.40.040	Options for Required Parking
15.40.060	Setbacks
15.40.070	Building Entries
15.40.080	Window and Weather Protection Requirements
15.40.090	Architectural Design Standards
15.40.100	Design Exception

Summary: This is an entirely new Chapter. The Downtown Overlay is based on a TGM education and outreach workshop titled *Streetscapes, Pedestrian Safety, and Pedestrian-Friendly Design Workshop* (“Workshop Report”). The workshop and report, completed by SERA Architects in 2015, reviewed existing conditions in the downtown, highlighted opportunities and best practices, and made recommendations for downtown improvements, some of which involve the Zoning Ordinance.

To create an energetic and vibrant Downtown—one that engages pedestrians and passersby—the Workshop Report identified the following code concepts that work together to create to create a pedestrian-friendly downtown:

- Setbacks should be reduced;
- Buildings should be oriented towards the street rather than towards parking lots;
- Entrances should be directly accessible from the sidewalk (and from intersections where possible);
- Parking areas should be located to the side or rear of buildings;
- A minimum amount of glazing (i.e., windows) should be required;
- Weather protection (e.g., awnings) should be required at entrances;
- Tripartite facades and other traditional architectural elements could be required; and
- A distinct brand/identity for downtown could be created by requiring a defined range of acceptable building materials and colors, architectural styles, etc.

This draft of the Downtown Overlay reflects these code concepts, with input and suggestions of the Advisory Committee and Planning Commission from their meetings in May and June. The overlay includes standards that apply uniformly throughout the overlay (building entries, options for required parking, architectural design) and standards that vary based on the type of street the property is fronting (use restrictions, setbacks, window and weather protection requirements).

The following are key changes to existing regulations that are applied through the overlay:

- **Storefront Streets:** On these streets, buildings must front the sidewalk, provide generous windows on the ground floor, and provide weather protection.
- **Architectural Design Standards:** Throughout the overlay zone, new building must incorporate specific elements of the Cascadian Style and some exterior materials are limited or prohibited in order to produce a more coherent identity for downtown La Pine.

15.40.010 Purpose

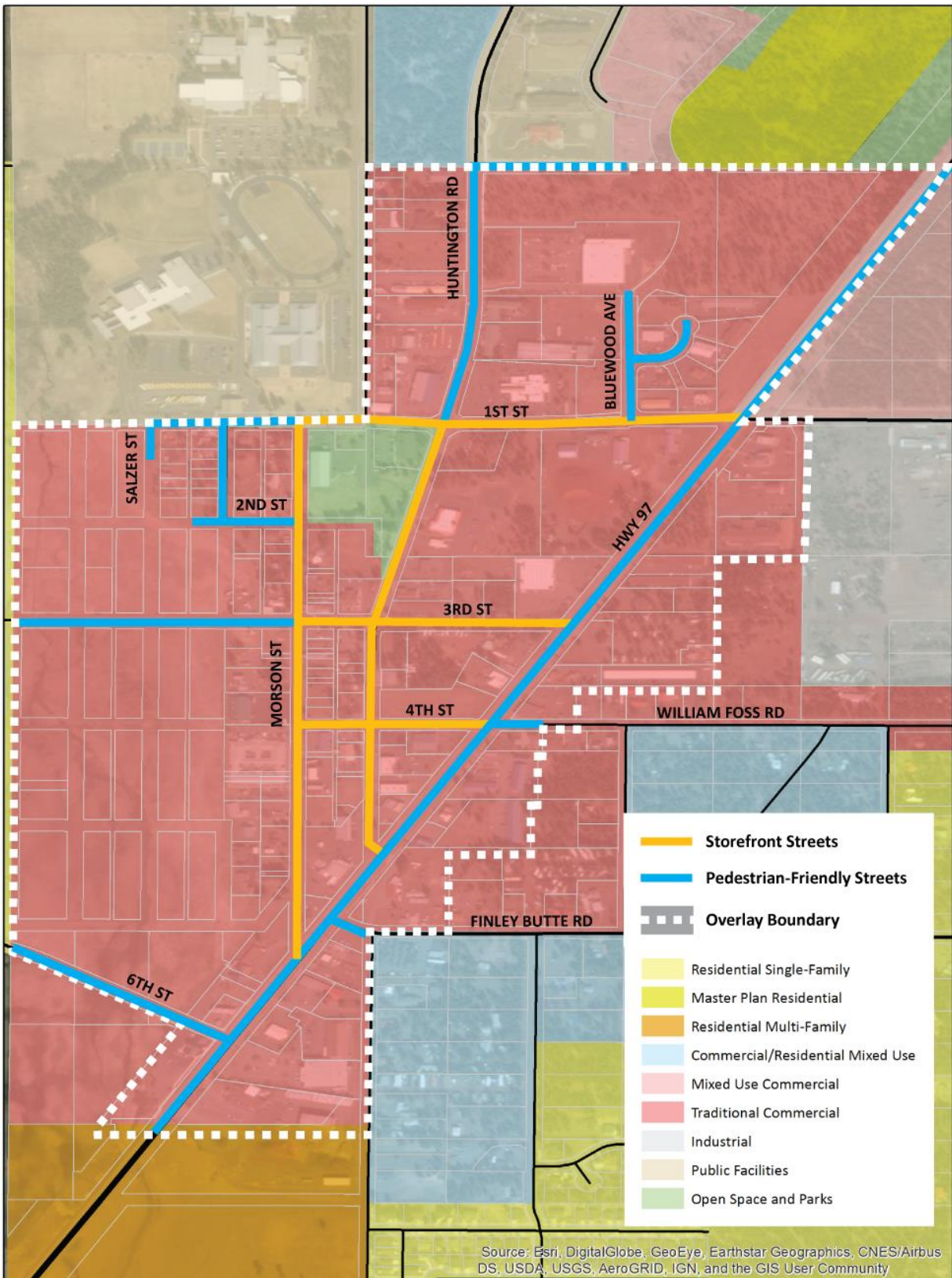
The purpose of the Downtown Overlay Zone is to create a pedestrian-oriented downtown area that will serve as the center of commercial and civic activity in the community and as a destination for residents and visitors. Pedestrian-oriented places provide visual interest at eye-level, feel safe and comfortable for people walking, contain a variety of activities and services, are easy to navigate on foot, and provide open areas and amenities for gathering and resting. This overlay zone modifies the regulations of the underlying base zones to ensure pedestrian-oriented land uses and design. Within the overlay, streets have been designated as either “Storefront Streets” or “Pedestrian-Friendly Streets”:

- Storefront Streets prioritize the pedestrian experience. These streets provide places to walk that are not only safe and comfortable, but that also provide visually interesting and engaging experiences. This is achieved through placing buildings closer to the street, designing buildings with architectural detail, and encouraging storefront shopping.
- Pedestrian-Friendly Streets balance the pedestrian experience with the need to accommodate a range of development types. These streets are safe and comfortable for pedestrians. Buildings are encouraged to be placed close to the street, but not required. Other standards are relaxed slightly to provide flexibility in design while maintaining a pedestrian-friendly environment.

15.40.020 Applicability

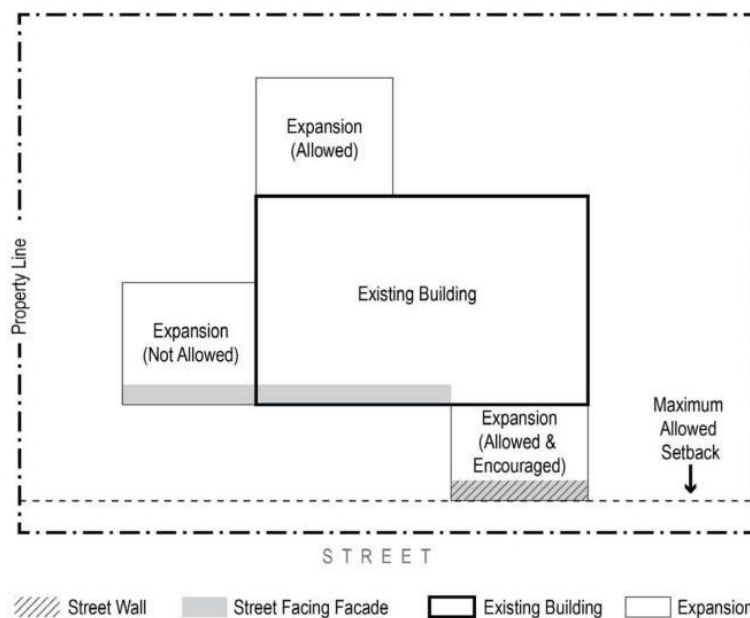
A. Zone Boundary and Street Designations. The boundaries of the Downtown Overlay Zone are depicted in Figure 15.40-1. The standards of this chapter apply to development and redevelopment on properties within this boundary. Specific standards within this chapter apply to properties abutting streets designated as Storefront Streets and Pedestrian Friendly Streets, as shown on Figure 15.40-1.

Figure 15.40-1. Downtown Overlay Map



- B. New Buildings.** The standards of this chapter apply to all buildings subject to site plan review that include over 200 square feet in floor area.
- C. Expansions and Alterations to Existing Nonresidential Buildings.** The standards of this chapter apply to expansions and alterations to nonresidential buildings that are subject to site plan review. The standards are applicable as follows:
1. Expansions or additions to nonresidential buildings of over 500 square feet that are visible from a public street or public space are required to be in conformance with the standards of this chapter. The standards only apply to the expansion or addition.
 2. Expansions or additions to nonresidential buildings that front a Storefront Street must not increase the length of street-facing façade that does not conform to the build-to-line standard and must, to the extent feasible, reduce the area dedicated to parking and vehicular circulation between the building and the right-of-way (See 15.40-2).
 3. Expansions or additions to nonresidential buildings that front a Pedestrian-Friendly Street must, to the extent feasible, reduce the area dedicated to parking and vehicular circulation between the building and the right-of-way.
 4. Exterior alterations or remodels of existing nonresidential buildings that do not conform to the standards for ground floor windows, weather protection, and architectural design must improve compliance with these standards where possible, and at a minimum must not increase nonconformance.
- D. Expansions and Alterations to Parking and Vehicle Circulation Areas.** Expansions or alterations to existing parking and vehicle circulation areas must be in conformance with the standard for location of parking areas (15.40.060.B).

Figure 15.40-2. Example Graphic: Applicability of Setback Standards to Expansions/Additions



15.40.030 Uses

Uses permitted in the underlying base zone are permitted in the Downtown Overlay Zone, except that the following uses and activities are prohibited on sites abutting a Storefront Street.

- A. New drive-up and drive-through uses.
- B. New auto sales and service, including fuel stations.
- C. Ground floor residential dwelling units, except for horizontal mixed use where the residential dwelling units are located behind other uses.

15.40.040 Options for Required Parking

- A. **Credit for On-Street Parking.** The Decision Authority may reduce the off-street parking standards of Chapter 15.86 by one parking space for every one on-street parking spaces located adjacent to the subject site, provided the parking spaces meet the dimensional standards of Section 15.86.030.
- B. **Off-Site Parking.** To allow flexibility in the location of required parking and to encourage efficient utilization of land, required parking may be located up to 800 feet from the development. Such parking shall be designated and signed as assigned to the remote development. Confirmation of the parking assignment shall be required prior to occupancy of the development.
- C. **Shared Parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses) or that one of the sites has an excess supply of parking. The right of joint use must be evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through a Type II application.

15.40.050 Summary of Design Standards

Table 15.40-1 provides an overview of the design standards that apply within the Downtown Overlay Zone. See the referenced section of this chapter for specific regulations.

Table 15.40-1. Summary of Design Standards

Standard	Storefront Streets	Pedestrian-Friendly Streets	Code section
Building Setbacks			
No minimum front setbacks	✓	✓	15.40.060.A

Standard	Storefront Streets	Pedestrian-Friendly Streets	Code section
No parking between building and the street	✓	✓	15.40.060.B
75% of building within 5 ft. of front lot line	✓		15.40.060.C
Building Entries			
Required walkway connection	✓	✓	15.40.070.A
Entry orientation	✓	✓	15.40.070.B
Window and Weather Protection Requirements			
Minimum Window Requirements (as % of the ground level wall area)	60%	40%	15.40.080.A
Weather Protection Required	✓		15.40.080.B
Architectural Design Standards			
Architectural Design Standards	✓	✓	15.40.090

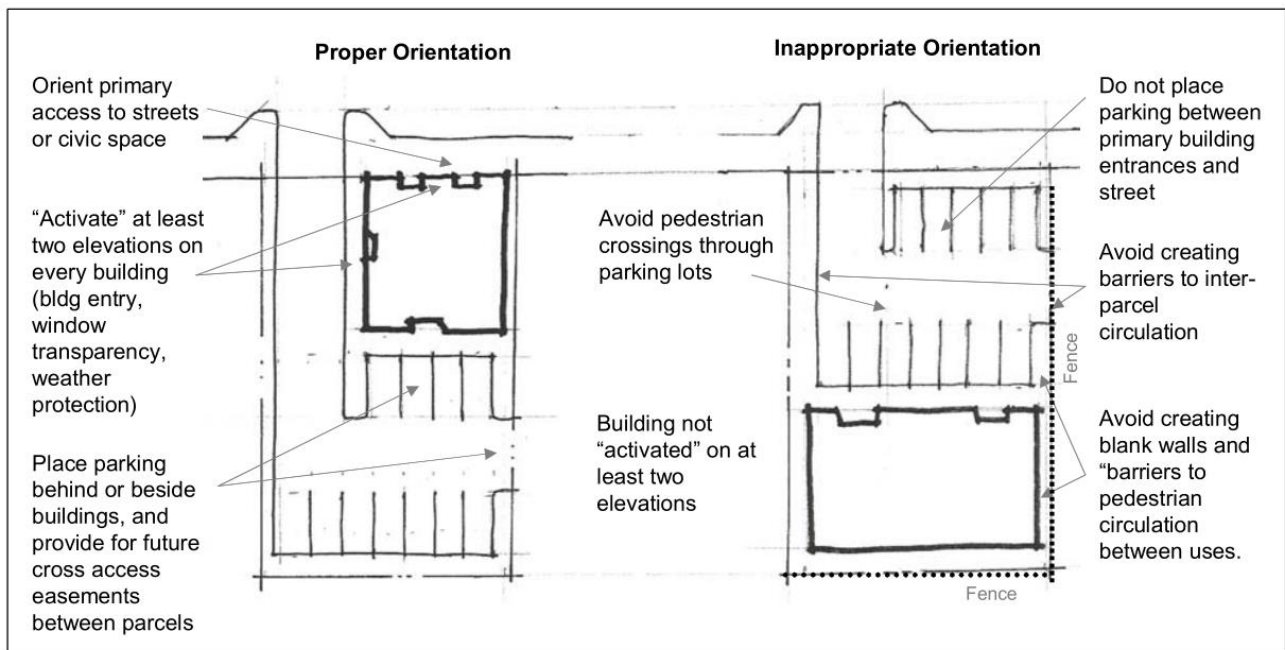
15.40.060 Setbacks

- A. Intent:** To help ensure that buildings are placed close to the sidewalk to create both visual interest and a sense of enclosure or “an outdoor room.” Buildings set back from the street with parking next to the sidewalk are less interesting and less comfortable for pedestrians.
- B. Front Setbacks.** No minimum front setback standards apply to developments in the Downtown Overlay Zone.
- C. Location of Parking Areas.** No vehicle parking or circulation areas are permitted between the front of the building and a Storefront Street or a Pedestrian-Friendly Street. If the development site has a frontage on both types of streets, then this standard only applies to the frontage on the Storefront Street. If the development site has frontage on more than one Storefront Street, then this standard shall only apply to one Storefront Street.
- D. Build-to-Line Standard.** Development sites abutting a Storefront Street must conform to a build-to-line standard. The purpose of this standard is to promote a continuous building frontage that creates visual interest and a sense of enclosure on the street. The standard is met when at least 75 percent of the width of the building is located within five (5) feet of the front lot line that faces a Storefront Street. If the development site has frontage on more than one Storefront Street, then this standard shall only apply to one Storefront Street. The Decision Authority may waive this requirement where it finds that one of the following conditions is met:
 1. The applicant proposes extending an adjacent sidewalk or plaza for public use, or some other pedestrian

amenity is proposed to be placed between the building and public right-of-way.

2. A significant tree or other environmental feature precludes strict adherence to the standard and will be retained and incorporated in the design of the project.
3. A public utility easement or similar restricting legal condition that is outside the applicant's control makes conformance with the build-to line impossible. In this case, the building shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback.
4. An expansion is proposed on an existing building that was lawfully created but does not conform to the above standard, and the building addition moves in the direction of compliance with the standard.

Figure 15.40-3. Potential Building Orientation Graphic (City of Sandy)



15.40.070 Building Entries

- A. Intent.** These provisions ensure that all entrances are visible and connected to the sidewalk by a pedestrian walkway. These features are important when the building is accessed by a pedestrian from the street (rather than from the parking lot).
- B. Required Walkway.** All primary entrances to a building (e.g., tenant entrance, lobby entrance, breezeway entrance, or courtyard entrance) must be connected to the sidewalk by a direct and continuous walkway.
- C. Entry Design.** The primary building entrances must be architecturally emphasized through the use of one or more of the following features: recessed doorway(s); overhangs or canopies; transom windows; ornamental light fixtures; larger, transparent or more prominent doors; or pilasters or columns that frame the principal

doorway.

- D. Entry Orientation.** All buildings must have at least one primary entrance facing that street (i.e., within 45 degrees of the street property line). For multi-tenanted nonresidential buildings, buildings with multiple entrances, or buildings with multiple frontages, only one primary entrance must comply with this standard. For multi-tenanted residential buildings on Storefront Streets, all residential units on the ground floor must have a private exterior entrance.

15.40.080 Window and Weather Protection Requirements

- A. Intent:** Window area or “glazing” requirements ensure that building facades will be composed of windows that provide views of activity, people, and merchandise, creating an interesting pedestrian experience. The weather protection standards are intended to create a more comfortable experience for pedestrians on the sidewalk by providing protection from sun and rain. This standard is limited to Storefront Streets, where buildings are required to directly front the sidewalk and pedestrian comfort is a high priority.

B. Window Requirements

1. Minimum Window Area Required for Nonresidential Buildings.
 - a. Building façades facing a Storefront Street must have windows, display areas, or glass doorways for at least 60 percent of the area of the ground level wall area.
 - b. Building façades facing a Pedestrian-Friendly Street must have windows, display areas, or glass doorways for at least 40 percent of the area of the ground level wall area.
 - c. The ground level wall area is the wall area above 30 inches and below 108 inches, as measured from finished grade.
2. Minimum Window Area Required for Residential Buildings. Building facades that face a public street must have windows for at least 15 percent of the area of the entire facade.
3. Transparency. All ground floor windows shall have a Visible Transmittance of 60 percent or higher.

- C. Weather Protection.** On building façades facing a Storefront Street, weather protection for pedestrians must be provided along at least 75 percent of the façade. Weather protection may be an awning, canopy, arcade, colonnade, recessed entry, or some combination of these elements. Where provided, weather protection shall meet the following standards:

- a. Be constructed of glass, metal, or a combination of these materials;
- b. Project at least 5 feet from the building façade;
- c. Have at least 10 feet clearance above the sidewalk;
- d. Match the width of the storefront or the window opening(s); and

- e. Not obscure any existing or proposed transom windows.

Figure 15.40-4. Graphic Illustration of Window Area Standards



15.40.090 Architectural Design Standards

- A. Intent:** The façade articulation standards in (B) work together to help ensure that building facades that have variation and depth in the plane of the building in order to create a more interesting and welcoming to pedestrians. The screening standard in (C) ensures that mechanical equipment is screened or otherwise minimized so that it does not detract for the pedestrian environment. The materials and Cascadian Style standards in (D) and (E) are intended to create a distinct brand or identity for Downtown La Pine.
- B. Articulation.** All building exterior walls greater than 100 feet in length that orient to a street or public space must have breaks in the wall plane (articulation) of not less than one break for every 40 feet of building length or width, as applicable, as follows.
 1. A “break” is a feature or variation in the wall plane that projects or recedes at least six (6) inches for a length of at least two (2) feet. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.
 2. Changes in paint color and features that are not designed as permanent architectural elements, such as

display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the break-in-wall-plane standard.

C. Screening of Mechanical Equipment.

1. **Building Walls.** Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant to [Chapter XX]. Standpipes, meters, vaults, and similar equipment need not be screened but shall not be placed on a front elevation when other feasible alternatives exist; such equipment shall be placed on a side or rear elevation where feasible.
2. **Rooftops.** Except as provided below, rooftop mechanical units shall be setback or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not feasible, the Decision Authority may approve painting of mechanical units in lieu of screening; such painting may consist of muted, earth-tone colors that make the equipment visually subordinate to the building and adjacent buildings, if any.
3. **Ground-Mounted Mechanical Equipment.** Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges, trellises, and similar plantings may also be used as screens where there is adequate air circulation and sunlight, and irrigation is provided. The City may require additional setbacks and noise dampening equipment for compatibility with adjacent uses.

D. Materials. Building materials must be consistent with the Cascadian Style.

1. **Primary Materials.** A “primary material” is the predominant building material that covers a minimum of 60 percent of the building’s exterior walls. Acceptable primary materials are identified in Table 15.40-2.
2. **Secondary Materials.** A “secondary material” is not the predominant building material. Any one secondary material shall not cover more than 40 percent of the building’s exterior walls. Acceptable secondary materials are identified in Table 15.40-2.
3. **Base Materials.** The building base shall be defined as the lower portion of a wall just above where it meets ground, to 24 inches above grade. Base materials are identified in Table 15.40-2. Use of these materials shall be limited to the building base unless the material is also identified as an acceptable primary or secondary material. If the base material is identical to material used on the portion of the wall directly above the base, then a change in material color, texture, or a horizontal band must be used to differentiate the base.

E. Cascadian Architectural Elements. Building exterior walls facing a public street shall incorporate at least three (3) of the following features. Using these features may also help meet other code requirements, such as those related to building articulation or weather protection:

1. Exposed, heavy timbers;
2. Exposed natural wood color beams, posts, brackets and/or trim (e.g., eaves or trim around windows);

3. Natural wood color shingles (e.g., used as siding or to accent gable ends), excluding wood shingled roofs;
4. Metal canopies;
5. Heavy metal brackets (e.g., cast iron or similar appearance), which may be structural brackets or applied as cosmetic detailing;
6. Pitched roof over more than 50% of the building (roof pitch must have a rise/span ratio of at least 4/12) which is constructed of either metal painted a muted earthtone or other fire resistant material (e.g., no wood shingle roofs); and
7. Other similar features.

Table 15.40-2. Building Materials (Exterior Walls)

Material	Allowed on Exterior Wall?		
	Primary	Secondary	Base
Masonry, which includes natural and natural-looking stone, and rusticated brick or split-faced, colored concrete blocks	Yes	Yes	Yes
Wood board siding or wood shingles. Fiber cement boards or fiber reinforced extruded composite boards are also acceptable provided they have the appearance of natural wood	Yes	Yes	No
Architectural grade plywood, fiber cement, or wood composite panels (T1-11 plywood or OSB siding are not permitted)	No	Yes	No
Glass (except mirrored glass)	Yes	Yes	No
Commercial-grade stucco	No	Yes	Yes
Commercial-grade brick	No	Yes	Yes
Steel	No	Yes	No
Cast-in-place or pre-cast concrete	No	Yes	Yes
Plastic	No	No	No
Vinyl siding	No	No	No
Mirrored glass	No	No	No
Corrugated metal or fiberglass	No	No	No
Standard form concrete block (not including split-faced, colored or other block designs that mimic stone, brick or other similar masonry)	No	No	No
Back-lighted fabrics, except that awning signs may be backlit fabrics for individual letter or logos	No	No	No

15.40.100 Design Exception

- A. The Planning Commission may allow exceptions to the design standards in 15.40.060 through 15.40.090 without the need to obtain a formal variance pursuant to Chapter 15.320. For each standard for which a design exception is sought, the applicant shall demonstrate that at least one of the following circumstances is met:
1. The physical characteristics of the site or existing structure (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard impractical; or
 2. The alternative design better complies with the following:
 - a. The purpose of the Downtown La Pine Overlay as described in Section 15.40.010;
 - b. The intent of the standard for which the exception is being sought.
- B. A request for exception under this provision may be processed as part of the underlying application or separately as a Type III application.

ARTICLE 5 – DEVELOPMENT STANDARDS

Chapters:

- 15.80 Development Standards, Generally
 - 15.82 Landscaping, Buffering and Fences
 - 15.86 Parking and Loading
 - 15.88 Access and Circulation
 - 15.90 Public Facilities
 - 15.92 Additional Standards for Land Divisions
 - 15.94 Improvement Procedures and Guarantees
-

Chapter 15.80 Development Standards, Generally

Sections

15.80.010	Purpose
15.80.020	Applicability
15.80.030	Exemption - Lot Size Requirements
15.80.040	Exemption - Yard or Setback Requirements
15.80.050	Supplementary Height Regulations
15.80.060	Animal Raising, Care, and Processing

Summary: This Chapter provides an overall introduction to Article 5 and clarifies that the standards in Article 5 apply to all types of development and improvements, although some individual sections apply to specific types of improvements. This Chapter also includes several general exceptions to the development standards which are from the existing Zoning Ordinance (*in italics*). Finally, the current standards related to the keeping of livestock are included in this section. While outside the scope of this draft, the City may wish to update that section of the Code to clarify its applicability.

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.

15.80.030 Exemption - Lot Size Requirements

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

- 1. If, at the time of enactment of this ordinance, a lot or aggregate of contiguous lots or parcels held in a single ownership has an area or dimensions which do not meet the lot size or dimensional requirements of the applicable zone, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone; providing however, residential use shall be limited to single-family dwelling unit or to the number of dwelling units consistent with the equivalent densities of the zone.*

2. *Any parcel of land or portion thereof, which is to be dedicated to a public, semi-public or public utility for a park, school, road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements of this chapter and the applicable zone.*
- B. *For all other lot size requirements in all other zones, applicants may propose approval of exceptions or variances in accordance with the application requirements in Article 8.*

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.*

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.*

15.80.060 Animal Raising, Care, and Processing

- A. Minimum lot area shall be 1 acre.*
- B. No more than 2 recreation or meat/milk producing livestock animals shall be allowed per acre. This includes horses, cattle, llamas, goats, alpaca, sheep, pigs and similar species.*
- C. 12 chicken hens are permitted per half-acre, but not roosters.*
- D. 12 rabbits are permitted per half-acre.*
- E. No pens, runs, or buildings used for housing stock or processing shall be closer than 75 feet from neighboring lot lines.*
- F. If containing runs for more than 2 birds or mammals, the owner must provide evidence that waste products or manure will be removed weekly and not create a malodorous nuisance.*
- G. The animal raising, care, and/or processing use shall comply with all appropriate local, state, and federal environmental regulations.*
- H. Properties, which do not comply with the above requirements, shall have 6 months from the date of the adoption of this code to remove animals and manure piles so as to be in conformance with this code.*

Chapter 15.82 Landscaping, Buffering and Fences

Sections

15.82.010 Landscaping and Screening Requirements

15.82.020 Fences and Walls

Summary: This Chapter includes landscaping and buffering requirements from the current Zoning Ordinance (in italics) as well as new requirements for fences and walls. Key changes include:

- Limiting the total amount of nonliving landscaping materials (including bark dust, chips, aggregate, or other non-plant ground covers) to not more than 50 percent of the required landscape area.
- Prohibiting electric or barbed wire fences in the City except for those that were existing prior to annexation to the City.
- Limiting the height of fences within the front setback in residential and commercial zones to 4 feet and limiting the height of all other fences in all zones to 7 feet.

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 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% 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 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%.*
 2. *Multi-family dwelling complexes containing four or more units and commercial residential mixed uses (CRMX): 20%.*
 3. *Commercial uses including mixed use commercial (CMX): 15%.*
 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 10%.*
 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 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% or greater, or removed and a new use developed.*
3. *Within Commercial Zones. A buffer strip at least 10 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 5 feet nor more than 8 feet in height; or*

- b. A sight-obscuring planting of evergreens, not less than 4 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 6 feet upon maturity, planted at a spacing of the lesser of 8 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 6 feet. Plants shall be situated in two rows within the buffer strip, each row being located at least 10 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 ordinance.*
- 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.*

15.82.020 Fences and Walls

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

A. Materials.

- 1. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Electric fences are not permitted except as specified below.*
- 2. Electric or barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to the city, may remain.*

B. Standards.

- 1. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.*
- 2. All required swimming pool and hot tub fencing shall be a minimum of four (4) feet in height and be equipped with a self-locking gate that closes automatically.*
- 3. Fences within a front or street side yard shall also conform to the clear vision requirements at intersections, which further restrict the use or height of sight-obscuring fences;*
- 4. In no instance shall a fence extend beyond the property line including into a public right-of-way. It is the responsibility of the property owner to determine the property line.*

5. Within residential and commercial zones, fences within the required front yard setback may not exceed four feet in height except that one incidental garden structure (e.g., arbor or gate) not exceeding eight feet in height and six feet in width is allowed within the required front yard provided it does not encroach into a required clear vision area. All other fences in all zones shall not exceed seven (7) feet in height.
6. Other provisions of this Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.

Chapter 15.86 Parking and Loading

Sections

15.86.010	Applicability
15.86.020	Off-Street Loading
15.86.030	Off-Street Parking – Required Spaces
15.86.040	Off-Street Loading and Parking – Placement
15.86.050	Drive-up and Drive-through Uses and Facilities
15.86.060	Bicycle Parking
15.86.070	Clear Vision Areas (Visibility at Intersections)

Summary: This Chapter includes off-street vehicle parking and loading standards and a new section with bicycle parking standards. There are some significant changes from the requirements in the current Zoning Ordinance, including:

- The proposed Code would only require off-street loading for commercial and industrial uses which have trucks with a 40-foot or longer wheelbase coming or going once a week. Currently the requirement applies to all commercial and industrial users.
- The parking table has been updated to better reflect the use categories, and in many cases the amount of parking required has been reduced. The suggested parking standards are from the Model Code. Because these are minimum amounts of parking this makes the new Code less restrictive than the current Zoning Ordinance.
- New adjustments are available to applicants to further reduce the minimum amount of parking required.
- New standards for drive-up or drive-through uses and facilities to help calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.
- New bicycle parking standards are proposed. The City should review the amount of bicycle parking required for each use to ensure that the levels are appropriate for La Pine.

15.86.010 Applicability

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

15.86.020 Off-Street Loading

- A.** *Every commercial and industrial use which requires the receipt or distribution of material or merchandise by trucks with a 40-foot or longer wheelbase at a frequency of one or more vehicles per week shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use. The applicant shall provide supporting evidence of the projected shipping and receiving and how the number of spaces to be provided will be adequate.*

- B.** Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. *Each off-street loading space shall not be less than 12 feet wide by 55 feet long unless otherwise approved by the City through Site Design Review.*
- C.** *Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.*
- D. Exceptions and Adjustments.** The City, through Site Design Review, may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations are short in duration (i.e., less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority.

15.86.030 Off-Street Parking - Required

- A. Location of off-street loading and parking spaces.** *Except as otherwise permitted by this Code, required off-street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve. In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading or parking space(s) of one use be used to satisfy the loading or parking space requirements of another use.*
- B. Encroachment or reduction.** *A required loading or parking space shall not be encroached upon by a structure, storage, or other use, nor shall the number of spaces be reduced without replacement of a commensurate number of spaces in accordance with this section unless a special exception or variance has been approved.*
- C. Calculations of Amounts of Required and Allowed Parking.**
 - 1. When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.
 - 2. The number of parking spaces is computed based on the primary uses on the site except as stated in subsection 3, below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see Section XX below.
 - 3. When more than 20 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.
- D. Use of Required Parking Spaces.** Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required

parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to subsection (I).

- E. Improvement of Parking Areas.** Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved structures; and on driveways or parking lots that have been developed in conformance with this Code.
- F. Minimum Number of Off-Street Automobile Parking Spaces.** Except as required for Americans with Disabilities Act compliance under subsection (L), off-street parking shall be provided pursuant to one of the following three standards:
 1. The standards in Table 15.86-1;
 2. A standard from Table 15.86-1 for a use that the Planning Official determines is similar to the proposed use. For uses not specified in the table, *the city shall determine parking based on submission of technical data from applicant or City sources;* or
 3. Subsection (G), Parking Exceptions, which includes a Parking Demand Analysis option.

Table 15.86-1 – Automobile Parking Spaces by Use

Use Categories	Minimum Parking per Land Use (Fractions are rounded down to the closest whole number.)
Residential Categories	
Single-Family Dwelling, including manufactured dwellings on lots or in parks	one space per dwelling
Duplex	two spaces per duplex (one space per dwelling unit)
Accessory Dwelling (second dwelling on a single-family lot)	two spaces total for primary dwelling and accessory dwelling
Multi-family	one space per dwelling unit
Group Living, such as nursing or convalescent homes, rest homes, assisted living, congregate care, and similar special needs housing	0.5 space per four bedrooms
Commercial Categories	
Commercial Outdoor Recreation	<i>one space for each three persons maximum occupancy; or per Conditional Use Permit review whichever is less</i>
Bed and Breakfast Inn	two spaces per use, plus one space for each bedroom offered as lodging
Educational Services, not a school (e.g., tutoring or similar services)	one space per 300 sq. ft. floor area
Entertainment, Major Event	<i>one space for each three persons maximum occupancy; or per Conditional Use Permit review whichever is less</i>

Use Categories	Minimum Parking per Land Use (Fractions are rounded down to the closest whole number.)
Hotels, Motels, and similar uses	0.75 space per guest room. See also, parking requirements for associated uses, such as restaurants, entertainment uses, drinking establishments, assembly facilities..
Mortuary or Funeral Home	one space per 300 sq. ft. floor area
Offices	General Office: one space per 500 sq. ft. floor area
	Medical or Dental Office: one space per 500 sq. ft. floor area
Outdoor Recreation, Commercial	per Conditional Use Permit review
Surface Parking Lot, when not accessory to a permitted use	per Conditional Use Permit review
Quick Vehicle Servicing or Vehicle Repair	two spaces, excluding vehicle service or queuing area, or per Conditional Use Permit review
Retail Sales and Commercial Service	Bank: one space per 300 sq. ft. floor area
	Retail: one space per 400 sq. ft. floor area, except one space per 1,000 sq. ft. for bulk retail (e.g., auto sales, nurseries, lumber and construction materials, furniture, appliances, and similar sales)
	Restaurants and Bars: one space per 200 sq. ft. floor area
	Health Clubs, Gyms, Continuous Entertainment (e.g., roller rinks): one space per 500 sq. ft. floor area
	<i>Bowling alleys: five spaces for each lane</i>
	<i>Theaters and Cinemas: one space per six seats</i> <i>Trailer and monument sales: one space per 2500 sq. ft. of gross area</i>
Self-Service Storage	two spaces, plus adequate space for loading and unloading
Industrial Categories¹	
Industrial Service	<i>one space per employee on the largest shift plus one space for each 10,000 sq. ft. for visitors up to ten additional spaces</i>
Manufacturing and Production	one space per 1,000 sq. ft. of floor area; or as required by Conditional Use Permit review
Warehouse and Freight Movement	0.5 space per 1,000 sq. ft. of floor area; or as required by Conditional Use Permit review
Waste-Related	per Conditional Use Permit review

Use Categories	Minimum Parking per Land Use (Fractions are rounded down to the closest whole number.)
Wholesale Sales, e.g., Building Materials, Heavy Equipment, Agricultural Supplies, etc.	one space per 1,000 sq. ft.
<i>Marijuana Wholesaler/Production Facility/Processing Facility/Testing Laboratories</i>	<i>4 plus 1 additional space per 2,000 sq. ft. gross floor area</i>
Institutional Categories	
Basic Utilities	Parking based on applicant’s projected parking demand, subject to City approval
Community Service, including Government Offices and Services	Parking based on applicant’s projected parking demand, subject to City approval, except as specifically required elsewhere in this table for individual uses (See public assembly, office, retail, housing, etc.)
Daycare	Family Daycare: 1 space, plus required parking for dwelling Daycare Center: 1 space per 400 sq. ft. of floor area
Medical Center or Hospital	one space per 300 sq. ft. floor area or one for each bed, whichever is less
Parks and Open Space	Parking based on projected parking demand for planned uses
Public Assembly	one space per 75 sq. ft. of public assembly area; or as required by Conditional Use Permit
Religious Institutions and Houses of Worship	<i>one space for each four members but not less than 15% of total occupancy permitted by Fire Marshall</i>
Schools	Pre-School through Middle-School: one space per classroom
	High School/College: <i>1.5 spaces per classroom, plus 1 space per 10 students</i>
	<i>If the school is designed to accommodate related uses such as auditoriums, stadiums, theatres, and gymnasiums, additional parking shall be provided at a rate of 1 space per 4 seats. In the alternative, the City may accept a Parking Management Plan to determine required parking.</i>
Other Categories²	
Accessory Uses	Parking standards for accessory uses are the same as for primary uses, but are pro rated based on the percentage of estimated overall parking demand, subject to City review and approval.

Use Categories	Minimum Parking per Land Use (Fractions are rounded down to the closest whole number.)
Agriculture	None, except as required for accessory uses
Radio Frequency Transmission Facilities	None, except as required by Conditional Use Permit
Temporary Uses	Parking standards for temporary uses are the same as for primary uses, except that the City may reduce or waive certain development and designs standards for temporary uses.
Transportation Facilities (operation, maintenance, preservation, and construction)	None, except for park-and-ride facilities; and where temporary parking is required for construction staging areas

- G. Exceptions and Reductions to Off-Street Parking.** An applicant may propose a parking standard that is different than the standards under subsections (F) or (H), for review and action by the Planning Official through a Type II procedure. The applicant’s proposal shall consist of a written request and a parking analysis prepared by a qualified professional. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. The number of required off-street parking spaces may also be reduced through the provision of shared parking, pursuant to subsection (I).
- H. Maximum Number of Off-Street Automobile Parking Spaces.** Unless otherwise approved by the City through Site Plan Review, the maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces, pursuant to Table 15.86-1 times a factor of 1.5.
- I. Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through Site Plan Review.
- J. Parking Stall Design and Minimum Dimensions.** Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other City-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 15-86-2 and the figures below. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management.

Table 15.86-2- Parking Stall Dimensions

Parking Angle	Stall Width	20' Stall	Aisle Width (*one way)	Curb Length	Bay Width
0°	9'-0"	9.0	12.0	22.0	30.0
	9'-6"	9.5	12.0	22.0	31.0
	10'-0"	10.0	12.0	22.0	32.0
45°	9'-0"	19.8	13.0	12.7	52.5
	9'-6"	20.1	13.0	13.4	53.3
	10'-0"	20.5	13.0	14.1	54.0
60°	9'-0"	21.0	18.0	10.4	60.0
	9'-6"	21.2	18.0	11.0	60.4
	10'-0"	21.5	18.0	11.9	61.0
70°	9'-0"	21.0	19.0	9.6	61.0
	9'-6"	21.2	18.5	10.1	60.9
	10'-0"	21.2	18.0	10.6	60.4
90°	9'-0"	20.0	24.0	9.0	64.0
	9'-6"	20.0	24.0	9.5	64.0
	10'-0"	20.0	24.0	10.0	64.0
<i>24' minimum for two-way traffic</i>					

- K. Adjustments to Parking Area Dimensions.** The dimensions in subsection (J) are minimum standards. The City Planning Official, through a Type II procedure, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area.
- L. Americans with Disabilities Act (ADA).** Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.

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.

15.86.050 Bicycle Parking

- A. Exemptions.** This section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The Planning Official may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.
- B. Standards.** Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 15.86-3. Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, the City may require bicycle parking spaces in addition to those in Table 15.86-3.

Table 15.86 -3 Minimum Required Bicycle Parking Spaces

Use	Minimum Number of Spaces
Multi-Family Residential (not required for parcels with fewer than 4 dwelling units)	2 bike spaces per 4 dwelling units
Commercial	2 bike spaces per primary use or 1 per 5 vehicle spaces, whichever is greater
Industrial	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
Community Service	2 bike spaces
Parks (active recreation areas only)	4 bike spaces
Schools (all types)	2 bike spaces per classroom
Institutional Uses and Places of Worship	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
Other Uses	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater

- C. Design.** Bicycle parking shall consist of staple-design steel racks or other City-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle. At a minimum, bicycle parking facilities shall be consistent with the following design guidelines:
1. All bicycle parking shall be within one hundred (100) feet from a building entrance and located within a well-lit and clearly visible area;
 2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;
 3. Each bicycle parking space shall be at least two (2) feet by six (6) feet with a vertical clearance of six (6) feet;

4. An access aisle of at least five (5) feet shall be provided in each bicycle parking facility;
 5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary.) Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.
- D. Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of Section 15.88.040.

Chapter 15.88 Access and Circulation

Sections

15.88.010	Purpose
15.88.020	Applicability
15.88.030	Vehicular Access and Circulation
15.88.040	Clear Vision Areas (Visibility at Intersections)
15.88.050	Pedestrian Access and Circulation

Summary: This Chapter includes existing language from the Land Division Ordinance and Zoning Ordinance (*in italics*). Access standards have been updated to reference the access guidelines in the City’s Transportation System Plan (TSP). The clear vision area standards are from the current Zoning Ordinance. New language has been added to implement Transportation Planning Rule (TPR) requirements related to access management and pedestrian access. Key changes include:

- Existing internally inconsistent access spacing standards have been deleted and replaced with references to the City’s TSP.
- A requirement for an “approach permit” has been added, although the City should confirm whether this is appropriate for La Pine.
- Existing internally inconsistent clear vision standards have been removed and a new graphic is proposed (dimensions will be added to graphic in Draft 2).
- New pedestrian access and circulation standards to implement TPR requirements would apply to new subdivisions, multi-family developments, planned developments, commercial developments and institutional developments.

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.

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.

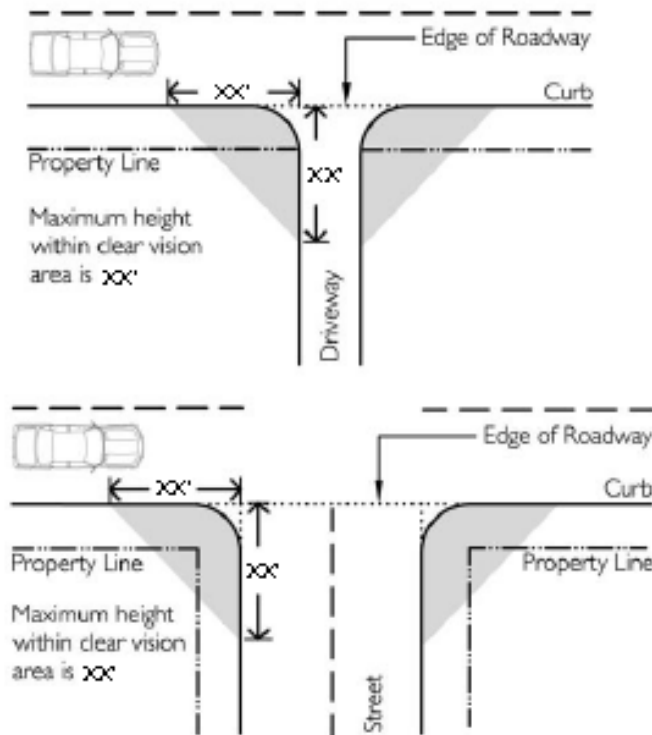
- C. Traffic Study Requirements.** The City, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to Section 15.90.080, to determine compliance with this Code.
- D. Approach and Driveway Development Standards.** *Access management 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.*
- 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.
- 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.

- G. Exceptions and Adjustments.** The City may approve adjustments to the spacing standards of subsections above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance.
- H. Joint Use Access Easement and Maintenance Agreement.** Where the City approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the City for its records, but the City is not responsible for maintaining the driveway or resolving any dispute between property owners.

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. 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
<i>80 feet or more</i>	<i>20 feet</i>
<i>Less than 80 feet</i>	<i>30 feet</i>



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 . 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.

3. **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.
4. **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.
6. **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.
7. **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.

Chapter 15.90 Public Facilities

Sections

15.90.010	Public Facilities Improvement
15.90.020	Developer Responsibility for Streets and Other Public Facilities
15.90.030	Sewer and Water
15.90.040	Stormwater
15.90.050	Utilities
15.90.060	Public Street/Highway Improvement
15.90.070	Design of Streets and Other Public Facilities
15.90.080	Traffic Impact Analysis

Summary: This Chapter includes existing standards from the Land Division Ordinance (*in italics*), although since many of these standards would apply to developments other than land divisions they are more appropriate in Article 5. These have been updated with new language from the Model Code. Key changes include:

- New standards related to sewer and water, stormwater and utility requirements outlining the developer's responsibilities.
- New language providing an exception for the undergrounding of utilities (currently required).
- A limit on the length of cul-de-sacs and a requirement to provide an accessway in some circumstances.
- A new section outlining when and how a Transportation Impact Analysis must be prepared.

15.90.010 Public Facilities Improvement

Minor betterment, improvements, replacement or reconstruction of existing public facilities such as sewer and water lines, storm water drainage facilities, sidewalks and other pedestrian ways or facilities, bikeways and similar public facilities within rights-of-ways and easements for the purposes existing on or before the effective date of this ordinance, or on contiguous publicly-owned property designated, intended or utilized to support the facilities, or the facilities that are set forth within an adopted public facilities plan or other capital improvement plan duly adopted on or before the effective date of this ordinance, are exempt from permit requirements, unless specifically set forth otherwise.

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.

- 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.*

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.

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.

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

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

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 ordinance. 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.*

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.*
- 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.*
- 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.*
- 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.*
- 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.

- 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.*
- 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.*
- 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.
- 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.

- 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.*
- 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.*
- 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.*
- 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.*
- 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.*

- 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.*
- 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.*
- 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.*
- 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.

15.90.080 Traffic Impact Analysis

- A. 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.
- D. 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.

Chapter 15.92 Additional Standards for Land Divisions

Sections

15.92.010	Lots and Blocks
15.92.020	Easements
15.92.030	Land for Public Purposes

Summary: This Chapter includes existing language from the Land Division Ordinance (*in italics*). The only change is a requirement that blocks (other than those abutting an arterial) have a maximum 1,400-foot perimeter. This language is from the Model Code and is intended promote efficient vehicular and pedestrian circulation throughout the city by creating an interconnected street network.

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.*
- 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.*
- 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.*
- 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.*
- 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.*
- 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.*

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.*

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.*

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.

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.*
- 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.*
- 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.*
- 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.*

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.

- 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%.*

Chapter 15.94 Improvement Procedures and Guarantees

Sections

15.94.010	Improvement Procedures
15.94.020	Completion or Assurance of Improvements
15.94.030	Building and Occupancy Permits
15.94.040	Maintenance Surety Bond
15.94.050	Engineering/Special Services for Review

Summary: This Chapter includes existing language from the Land Division Ordinance (*in italics*). The only proposed amendment is to change a reference in 15.90.030 from the “City Council” to the “City” in order to allow the City more flexibility in deciding how to administer the Code.

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.*

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.*

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.*

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.

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.

ARTICLE 6 – SPECIAL USE STANDARDS

Chapters:

- 15.102 Special Uses – General Provisions
- 15.104 Special Use Standards – Residential Uses and Accessory Uses
- 15.108 Special Use Standards – Non-Residential Uses

Chapter 15.102 – Special Uses – General Provisions

Sections:

- 15.102.010 Purpose
- 15.102.020 Applicability

Summary: Article 6 consolidates existing regulations that apply to specific uses (“Special Use Standards”) from the current zoning ordinance and adds new standards for some uses. The sections within Article 6 are referenced in the use regulations of the zoning chapters (Article 3) for ease-of-use. This ensures that readers are aware that additional regulations apply to specific uses. The standards in this article and separated into residential and non-residential uses for ease-of-use.

15.102.010 Purpose

Special uses included in Article 6 are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district.

15.102.020 Applicability

All uses listed in Chapter 15.104 are subject to the standards of Article 6. Special use standards may apply to an entire use category, as described in Chapter 15.14, Use Categories, or a specific use within a use category. The standards of this chapter supplement the other requirements of this Title. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

Chapter 15.104 – Special Use Standards – Residential Uses and Accessory Uses

Sections:

15.104.010	Accessory Dwellings
15.104.020	Townhomes
15.104.030	Duplexes
15.104.040	Multi-Family Developments
15.104.050	Cottage Cluster Developments
15.104.060	Manufactured Dwelling and Recreational Vehicle Parks
15.104.070	Temporary Manufactured Dwelling
15.104.080	Residential Care Homes and Residential Care Facilities
15.104.090	Home Occupations (Home-Based Business)

Summary: The special use standards for residential uses (and accessory uses to residential primary uses) are a combination of existing standards that have not been changed, existing standards with proposed changes, and new standards. The standards for the following uses have not been changed substantially: Townhomes, Manufactured Dwelling and Recreational Vehicle Parks, and Temporary Manufactured Dwelling.

The standards for the following uses are proposed to be modified:

- **Accessory Dwellings:** The standards related to Accessory Dwellings (also known as “ADUs”) are proposed to be modified to ensure compliance with recently adopted state law and be generally supportive of greater development of this housing type. There are three key changes: (1) the maximum floor area has been increased from 30% to 75% of the floor area of the primary house; (2) a requirement to provide an additional off-street parking space has been removed; and (3) vague or unnecessary design standards have been removed to ensure compliance with state law, which requires clear and objective standards for all housing types.
- **Home Occupations:** The existing standards for home occupations were relatively minimal. The proposed standards include maintaining an existing standard on the maximum size of a home occupation and replacing existing or adding new standards pertaining to appearance, traffic, hours of operations, and off-site impacts such as noise or emissions.

New standards are proposed for the following uses, which previously did not have any special use standards. Except where noted, these standards are based on the Model Code.

- **Duplexes:** New standards are intended to prevent duplexes that have large blank walls or multiple garage doors facing a street.
- **Multi-Family Developments:** A series of new standards are proposed to ensure high-quality design for new multi-family developments. The standards require façade articulation, detailed design, private and common open space areas, and screening of trash storage (dumpsters).
- **Cottage Cluster Development:** Cottage clusters are individual, detached dwelling units oriented around a common open space with shared parking and vehicle access. This form of development is not widespread today but growing in popularity. The new set of proposed standards encourages the development of cottage cluster housing while ensuring high-quality design. The standards limit the

total size of a cluster and the size of individual dwellings, require common and private open space, and guide the design of porches, garages, parking areas, and accessory structures.

- Residential Care Homes and Residential Care Facilities: These provisions clarify the standards that apply to these two types of Group Living uses (also known as group homes or residential treatment centers). The standards also ensure compliance with state law that requires Residential Care Homes and Residential Care Facilities to be regulated in the same manner as single-family dwellings and multi-family developments, respectively.

15.104.010 Accessory Dwellings

A. Applicability. Accessory Dwellings, where allowed, are subject to review and approval through a Type I procedure pursuant to Chapter 15.308, Zoning Checklist, provided the following standards are met.

B. Standards.

1. One Unit. A maximum of one Accessory Dwelling is allowed per legal single-family lot. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
2. Floor Area. An Accessory Dwelling shall not exceed 800 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 800 square feet.
3. Other Development Standards. Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:
 - a. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity.
 - b. No off-street parking is required for an Accessory Dwelling.
 - c. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the City may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons. This shall be regulated through the Exceptions process.

15.104.020 Townhomes

A. Applicability. *All townhome developments shall comply with the following standards which are intended to control development scale: avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas. Townhome developments with three or more dwelling units shall require approval through a Type II procedure, pursuant to Chapter 15.312, Site Plan Review.*

B. Standards.

1. *Setbacks and lot width. Notwithstanding anything in this ordinance to the contrary, there shall be no required side yard setback between attached townhomes (i.e. where a party wall is sited). Townhomes shall otherwise comply with the applicable setbacks in the underlying zone. The minimum lot width for townhome lots shall be 25 feet.*
2. *Building Mass and Facade Variation Supplemental Standard. The number and width of consecutively attached townhomes shall not exceed five units. The facades of townhomes in groups of three or greater shall be varied by changed front yard setbacks so that not more than two abutting townhouses will have the same front yard setback for its full width.*
3. *Garages. Every townhome shall include, at a minimum, a single car garage.*
4. *Alley Access Developments. Townhome developments in newly created subdivisions shall receive vehicle access only from a rear alley, except when existing development patterns or topography make construction of an alley impractical (see subsection (5) of this section for standards for street access developments). Alley(s) shall be created at the time of subdivision approval.*
5. *Street Access Developments. Where available, townhomes shall take access from an alley. Townhomes receiving access directly from a public or private street shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better stormwater management.*
 - a. *When garages or carports face the street. the garage or opening shall set back a minimum of 20 feet from the property line fronting the street.*
 - b. *Except where required to be shared, the maximum allowable apron and driveway width facing the street is 24 feet per dwelling unit. The maximum combined garage width per unit facing the street is 50 percent of the total building width.*
 - c. *Two adjacent garages shall share one driveway, with a maximum width of 30 feet. when individual driveways would otherwise be separated by less than 20 feet (i.e. the width of one on-street parking space). When a driveway serves more than one lot. the developer shall record an access and maintenance easement/agreement to benefit each lot. acceptable to the City, prior to building permit issuance.*
6. *Common Areas. All areas commonly owned by the owners within a townhome development shall be maintained by a homeowners association or by the owners under a joint-maintenance agreement. Covenants, restrictions and conditions or a joint maintenance agreement acceptable to the City shall be recorded prior to issuance of a building permit.*
7. *Party Walls. If not addressed through covenants, conditions, and restrictions, an agreement(s) for joint maintenance of party walls acceptable to the City shall be recorded prior to issuance of a building permit.*
8. *Waste Disposal and Mechanical Equipment Screening. All waste disposal collection areas and mechanical equipment areas shall be screened from public view.*

9. *Fences. Front yard fencing shall be three (3) feet or less in height and constructed of split rails, wood pickets, wrought iron, or similar materials and design, as approved by the City. Fences shall not be placed within the site vision triangle.*

15.104.030 Duplexes

A. Applicability. The following standards apply to duplexes which are located on corner lots.

B. Standards.

1. The duplex, if located on a corner lot and containing two garages, shall have each garage entrance orient to a different street or alley.
2. The duplex shall have no blank wall oriented to a street. This standard is met if any elevation facing a street is composed of not less than 15 percent windows and door surface area.

15.104.040 Multi-Family Development

A. Applicability. New multi-family developments, where allowed, are subject to review and approval through a Type II procedure, pursuant to Section 15.312, Site Plan Review, and shall conform to all of the following standards.

B. Standards.

1. **Articulation.** Plans for multi-family buildings shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of 30-40 feet, and each floor shall contain at least two elements from the following options:
 - a. Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of four feet;
 - b. Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; or
 - c. Offsets or breaks in roof elevation of two feet or greater in height.
2. **Detailed Design.** All buildings shall provide detailed design along all elevations (i.e., front, rear and sides). Detailed design shall be provided by using at least two (2) of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
 - a. Covered front porch: not less than six feet in depth and not less than 30 percent of the width of dwelling, excluding the landing for dwelling entrance.
 - b. Dormers: must be a functional part of the structure, for example, providing light into a living space.

- c. Recessed entrance: not less than three feet deep.
 - d. Windows: not less than 30 percent of surface area of all street-facing elevation(s).
 - e. Window trim: minimum four-inch width (all elevations).
 - f. Eaves: overhang of not less than 12 inches.
 - g. Offset: offset in facade or roof (see subsection 1, "Articulation").
 - h. Bay window: projects from front elevation by 12 inches.
 - i. Balcony: one per dwelling unit facing street.
 - j. Decorative top: e.g., cornice or pediment with flat roof or brackets with pitched roof.
 - k. Other: feature not listed but providing visual relief or contextually appropriate design similar to options a-j, as approved by the Planning Official through a Type II procedure.
3. Common Open Space and Landscaping. A minimum of 15-20 percent of the site area in the residential zones shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:
- a. "Site area" for the purposes of this section is defined as the subject lot or lots after subtracting any required dedication of street right-of-way.
 - b. The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.
 - c. In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than 20 feet.
 - d. Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the City may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping.
4. Private Open Space. Private open space areas shall be required for dwelling units based on the following criteria:
- a. A minimum of 40 percent of all ground-floor dwelling units shall have front or rear patios or decks containing at least 48 square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping).
 - b. A minimum of 40 percent of all upper-floor housing units shall have balconies or porches containing at least 48 square feet of usable area. Upper-floor housing means housing units that are more than five feet above the finished grade.
5. Landscaping, Fences, Parking and Loading, Public Facilities. The standards of Article 5 shall be met.

6. **Trash Storage.** Trash receptacles, recycling, and storage facilities shall be oriented away from building entrances, setback at least 10 feet from any public right-of-way and adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be accessible to trash pick-up trucks.

15.104.050 Cottage Cluster Developments

A. Purpose. The purpose of this section is to:

1. Provide a housing type that responds to differing household sizes and ages (e.g., retirees, small families, single-person households), and offers opportunities for affordability;
2. Provide opportunities for small, detached dwellings in several zoning districts by creating special development regulations that allow this type of use;
3. Encourage creation of usable open space for residents of the development through flexibility in density and development standards;
4. Support growth management through efficient use of urban residential land; and
5. Provide regulations to ensure compatibility with surrounding uses.

B. Applicability. Cottage cluster developments are permitted outright in the RSF, RMF, CRMX, and CN zones and allowed with a conditional use permit in the C zone. Cottage cluster developments are allowed with a Type II review, in accordance with Chapter 15.312, Site Plan Review, and Chapter 15.316, Conditional Uses, as applicable.

C. Lot Size. Cottage cluster developments are permitted as a form of multi-family development. Individual lots for each cottage house in the cluster are not permitted. The development must meet the applicable minimum lot size and lot width of the base zone.

C. Density. For the purpose of this section, density is calculated as gross units per acre.

1. **Minimum Density.** The minimum density for cottage cluster developments is four units per acre in the RSF zone and 12 units per acre in all other zones.
2. **Maximum Density.** The maximum density shall not exceed that of the relevant zoning district.

D. Development Area. Cottage cluster developments shall contain a minimum of four and a maximum of 12 cottages arranged in a cluster. A cottage cluster development may contain more than one cluster.

E. Lot Coverage and Floor Area.

1. There is no maximum lot coverage for cottage housing developments.
2. The maximum floor area per dwelling unit without an attached garage is 1,100 square feet. A dwelling unit with an attached garage shall have a maximum floor area of 1,200 square feet including the garage.

The maximum floor area is defined as the area included within the surrounding walls of a cottage building on all levels.

G. Setbacks. The front, side, and rear setbacks of the base zone must be met.

H. Required Common Open Space. Common open space is intended to be an amenity shared by all residents of the cottage housing development.

1. Provide a centrally located open space area for the cottage cluster development and have cottages abutting at least two sides.
2. Contain a minimum of 400 square feet per cottage.
3. At least 50 percent of the cottages shall abut a common open space.
4. Each cottage shall be connected to the common by a pedestrian pathway.
5. Areas such as utility vaults, setbacks and common parking areas and driveways are not counted in the common open space requirements.
6. Common open space shall have a minimum average width of 20 feet.
7. The common open space areas shall be constructed and landscaped prior to final occupancy of the first cottage.

I. Required Private Open Space. Private open space adjacent to each cottage is intended for the exclusive use by the cottage resident.

1. Provide a total of 400 square feet of private open space that includes a minimum of 200 square feet of contiguous usable open space adjacent to each cottage with no dimension less than 10 feet. Front porches are not included in the private open space calculation.
2. No more than 50 percent of the private open space can be within an unenclosed covered patio.

J. Development Standards.

1. At least 50 percent of the cottages shall be oriented around and have their main entrance facing the common open space.
2. Each cottage shall have a covered entry of at least 80 square feet with a minimum dimension of six feet on any side.
3. Pedestrian pathways must be included to provide for movement of residents and guests from parking areas to homes and other amenities.
4. Individual detached garages cannot exceed 450 square feet of floor area and no more than 18 feet in height. Only one garage is allowed per cottage.
5. Accessory dwelling units shall not be permitted in cottage cluster developments.

6. Accessory structures for common usage are allowed in the common open space areas. Other accessory structures (except garages) are prohibited.

K. Parking. Parking for cottage cluster developments shall be located on the property and identified on the site plan. On-site parking shall meet the following standards:

1. Parking may be located within an enclosed garage, carport or unenclosed parking space.
2. Parking shall not be located in the exterior setback and must be screened from public streets and adjacent residential uses by a 10-foot landscape buffer containing landscaping and/or architectural screening.
3. Parking is allowed between or adjacent to structures only when it is located toward the rear of the cottage and is served by an alley or private driveway.
5. Off-street parking requirements shall be calculated based on the number of bedrooms per cottage unit:
 - a. One bedroom: Minimum one space.
 - b. Two bedrooms: Minimum 1.5 spaces.
 - c. Three or more bedrooms: Minimum two spaces.
6. All parking shall provide a minimum of 24 feet for maneuvering and backing movements from garages, carports and/or parking areas.

15.104.060 Manufactured Dwelling and Recreational Vehicle Parks

A. Applicability. Manufactured dwelling and recreational vehicle parks, where permitted, are subject to compliance with the following standards.

B. Standards for all Parks.

1. *Internal roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be surfaced with asphalt, concrete, compacted crushed gravel or similar surface designed to permit easy access to each recreational vehicle space.*
2. *Except for the access roadway into the park, the park shall be screened on all sides by a sight-obscuring fence not less than six feet in height, unless otherwise approved by the City. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the City may require planting of a landscape buffer of 5 to 10 feet in width between the right-of-way and a manufactured home park for the privacy and security of park residents or for privacy of adjacent residences*
3. *A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.*

C. Additional Standards for Parks with Recreational Vehicles

1. *The space provided for each recreational vehicle shall not be less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.*
2. *A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff of surface water. The part of the space, which is not occupied by the recreational vehicle, not intended as an access way to the recreational vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.*
3. *A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.*
4. *A recreational vehicle space shall be provided with electrical service.*
5. *Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.*
6. *No recreational vehicle shall remain in the park for more than 30 days in any 60-day period.*
7. *The total number of parking spaces in the park, except for the parking provided for the exclusive use of the manager or employees of the park, shall be one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.*
8. *The park shall provide toilets, lavatories and showers for each sex in the following ratios: For each 15 recreational vehicle spaces or any fraction thereof, one toilet, one urinal, one lavatory and one shower for men; two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.*
9. *The park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each 10 recreational vehicle spaces or any fraction thereof, unless such facilities are available within a distance of three miles and are adequate to meet these standards.*
10. *Required building spaces shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68 degrees Fahrenheit, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with floor drains adequate to permit easy cleaning.*
11. *Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.*
12. *Access to the recreational vehicle park shall be from an arterial or collector street.*

15.104.070 Temporary Manufactured Dwelling

A. Applicability. *The placement of a manufactured dwelling on a temporary basis on the same lot occupied by a principal structure may be permitted through a Type I procedure, pursuant to Chapter 15.308, Zoning Checklist, provided the following standards are met.*

B. Standards.

- 1. The manufactured dwelling shall be placed behind the principal structure at a separation distance of no less than 15 feet and shall comply with the rear yard requirement for principal structures in the zone.*
- 2. The manufactured dwelling placement shall be for a period of no more than five (5) years. However, an extension of time may be granted by the City upon request by the property owner.*
- 3. The property owner shall occupy the principal structure.*

15.104.080 Residential Care Homes and Residential Care Facilities

A. Applicability. The following standards are intended to implement state and federal laws pertaining to the Fair Housing Amendments Act. State law allows “residential homes” and “residential facilities” to be placed in any zone that allows a single-family dwelling or multi-family dwelling, respectively. (see ORS 197.665-197.667). Residential Care Homes are subject to review and approval through a Type I review procedure under Chapter 15.308, Zoning Checklist, prior to issuance of building permits. Residential Care Facilities are subject to a Type II review and approval under Chapter 15.312, Site Plan Review.

B. Standards. Residential Care Homes and Residential Care Facilities, where allowed, shall conform to all of the following standards and procedures.

- 1. Licensing and State Requirements.** Residential Care Homes and Residential Care Facilities shall be licensed by the State of Oregon and comply with state requirements, pursuant to ORS 197.660 through 197.670.
- 2. Residential Care Homes.** Residential Care Homes may provide residential care alone, or in conjunction with treatment or training, for five or fewer individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to single-family dwellings also apply to Residential Care Homes, except where state law supersedes City standards.
- 3. Residential Care Facilities.** Residential Care Facilities may provide residential care alone, or in conjunction with treatment or training, for between 6 and 15 individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to multiple family dwellings also apply to Residential Care Homes, except where state law supersedes City standards.
- 4. Access.** The access and circulation standards of Chapter XX shall be met.

5. **Parking.** The parking standards of Chapter 15.86 shall be met.
6. **Landscaping.** Residential Care Facilities are required to comply with the landscaping and screening standards of Chapter 15.82. The City may require the installation of a landscape hedge or fence on the property line separating a Residential Care Facility from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. The landscaping standards do not apply to building permits for individual Residential Care Homes.
7. **Building Design Standards.** Residential Care Facilities are required to comply with the building design standards for multi-family housing, pursuant to Section 15.104.040(1) and (2); except where a state requirement conflicts with a City standard, the state requirement, not the City standard, shall apply. The building design standards do not apply to Residential Care Homes.

15.104.090 Home Occupations (Home-Based Business)

- A. Applicability.** This section applies to Home Occupation uses in Residential zones. A home-based business in a commercial or mixed use zone is considered a commercial use and is not subject to the standards of this section. Home Occupations of less than 1000 square feet of lot area are permitted, provided the owner completes a Zoning Checklist pursuant to Chapter 15.308. Home Occupations greater than 1000 square feet of lot area are allowed, subject to approval of a Conditional Use Permit, pursuant to Chapter 15.316. For the purpose of this section, "lot area" includes building floor area, areas within accessory structures, and all other portions of a lot.
- B. Standards.** Home Occupations shall conform to all of the standards below, except the City may approve adjustments to the standards through the Conditional Use Permit approval, provided all uses and structures on the subject property conform to applicable City regulations, including, but not limited to, building codes and nuisance regulations.
1. **Maximum Size.** *No more than 25% of the combined gross floor area of the dwelling and accessory structure(s) shall be devoted to the home-based business.*
 2. **Appearance of Residence.**
 - a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
 - b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
 - c. The home occupation shall not violate any conditions of development approval (i.e., prior land use development permit or approval).
 - d. No products or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
 - e. The home occupation shall be conducted entirely within either the owner-occupied dwelling unit or accessory structure provided that such accessory structure is clearly accessory and subordinate to the dwelling.

3. Storage.

- a. Outside storage visible from the public right-of-way or adjacent properties that exceeds what is customary for a single-family residence in the vicinity is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable material) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be enclosed in a structure or otherwise screened from view from adjacent properties and public right-of-way.

4. Employees.

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than two employees at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the legal lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work, pick up, or deliver at the home occupation site.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

5. Vehicles, Parking, and Traffic.

- a. Not more than one commercially licensed vehicle associated with the home occupation is allowed at the home occupation site in the same 24-hour period. Vehicles shall be of a size that would not overhang into the public right-of-way when parked.
- b. There shall be no commercial vehicle deliveries between 9:00 p.m. to 7:00 a.m.

6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation only from 7:00 a.m. to 9:00 p.m.

7. Prohibited Home Occupation Uses.

- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property line, is prohibited.
- b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by the home business is allowed.
- c. The following uses, and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke, or vibration, are prohibited:

- (1) Ambulance service

- (2) Animal hospital, veterinary services, kennels, or animal boarding
- (3) Auto and other vehicle repair, including auto painting
- (4) Repair, reconditioning, or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site

Chapter 15.108 – Special Use Standards – Non-Residential Uses

Sections:

15.108.010	Artisanal and Light Manufacturing Uses
15.108.020	Campgrounds and Recreational Vehicle Parks
15.108.030	Large Land Area Commercial Recreation
15.108.040	Automotive Wrecking, Salvage and Junk Yards
15.108.050	Marijuana Businesses
15.108.060	Mining
15.108.070	Waste Treatment and Recycling
15.108.080	Wireless Telecommunication Facilities
15.108.090	Temporary Uses

Summary: The special use standards for non-residential uses are a combination of existing standards that have not been changed and new standards for new uses. The standards for the following uses have not been changed substantially: Campgrounds and Recreational Vehicle Parks; Large Land Area Commercial Recreation, Automotive Wrecking, Salvage and Junk Yards; Marijuana Businesses; Mining; Wireless Communication Facilities.

New standards are proposed for the following uses, which previously did not have any special use standards. Except where noted, these standards are based on Model Code.

- **Artisanal and Light Manufacturing:** These standards are intended to allow for and manage the impacts of uses that combine small-scale manufacturing and commercial uses. Examples include breweries with on-site brewpubs and manufacturing with on-site retail sales. The standards ensure that the manufacturing use will be compatible with a commercial zone, and the commercial use will be compatible with an industrial zone.
- **Waste Treatment and Recycling:** These standards are intended to require additional review for waste-related uses and ensure the City has the ability to inspect and control impacts of these uses over time.
- **Temporary Uses:** These standards are intended to clarify the regulations that pertain to temporary uses that may have impacts on adjacent land uses. The provisions address uses such as special events, temporary sales offices, and temporary buildings or kiosks.

15.108.010 Artisanal and Light Manufacturing Uses

A. Applicability. The following provisions are intended to encourage mixed-use development, including cottage industries and business incubators, by integrating small-scale manufacturing with commercial uses. Artisanal and Light Manufacturing Uses are defined in Chapter 15.14, Use Categories. The standards apply where Artisanal and Light Manufacturing Uses are allowed as a primary use in commercial or mixed-use zones and where Retail Sales and Service or Eating and Drinking Establishment uses are allowed as an accessory use in industrial zones. The standards are applied through Site Plan Review or Conditional Use Permit review, as applicable.

B. Standards.

1. Where an Artisanal and Light Manufacturing Use is allowed in a commercial or mixed-use zone, it shall be permitted only in conjunction with a primary commercial use.
2. Where an Artisanal and Light Manufacturing Use is allowed in a commercial or mixed-use zone, it shall be wholly enclosed in a building.
3. Where an Artisanal and Light Manufacturing Use is allowed in a commercial or mixed-use zone and the subject site is located within 100 feet of a residential zone, the City may limit the hours of operation of the use to between 7:00 a.m. and 10:00 p.m. where it has identified concerns about noise, parking, or other impacts related to the use.
4. Where a Retail Sales and Service or Eating and Drinking Establishment use is allowed as an accessory use in an industrial zone, it shall be permitted only in conjunction with the primary industrial use and shall not exceed the floor area of the primary industrial use.

15.108.020 Campgrounds and Recreational Vehicle Parks

A. Applicability. Campgrounds allow for transient (non-residential) use. These standards apply to campgrounds in all zones where they are permitted.

B. Site Design Standards.

1. *Minimum lot area shall be 2 acres.*
2. *Access to the campground shall be from an arterial or collector street.*
3. *Except for the access roadway into the campground, the campground shall be screened on all sides by a sight obscuring fence not less than six feet in height, unless otherwise approved by the City.*
4. *Drainage of increased stormwater runoff caused by the development shall be managed so as to prevent ponding, accelerated erosion, or flooding of adjacent properties and roads.*
5. *No tent, camp site, or building shall be located within 50 feet of a neighboring lot line.*
6. *Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the campground and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.*
7. *The total number of parking spaces in the campground, except for the parking provided for the exclusive use of the manager or employees of the campground, shall be one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.*
8. *The campground shall provide toilets, lavatories and showers for each sex in the following ratios: For each 15 recreational vehicle spaces or any fraction thereof, one toilet, one urinal, one lavatory and one shower for men; two toilets, one lavatory and one shower for women. The toilets and showers shall*

afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.

- 9. The campground shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each 10 recreational vehicle spaces or any fraction thereof, unless such facilities are available within a distance of three miles and are adequate to meet these standards.*

D. Use Standards.

- 1. No recreational vehicle shall remain in the campground for more than 30 days in any 60-day period.*
- 2. Required building spaces shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68 degrees Fahrenheit, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with floor drains adequate to permit easy cleaning.*
- 3. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the campground or to any guest of the park.*
- 4. Evidence shall be provided that the campground will be eligible for a certificate of sanitation as required by state law.*

15.108.030 Large Land Area Commercial Recreation

A. Applicability. *The purpose of these regulations is to allow commercial recreation uses that require large land area in a rural or low-density development setting, but also generate above-normal traffic and related activity. Large land area is defined as anything larger than 10 acres which is used for commercial recreation.*

B. Standards.

- 1. A full plan of the proposed activity and land area to be utilized and a plan for traffic circulation and ingress to/egress from the site must be presented.*
- 2. Any club house or other buildings for use of the public shall be located at least 100 feet from any property line.*
- 3. The use shall not produce or cause to be produced noise or lighting that results in a hazard or a nuisance to neighboring properties.*
- 4. Permanent facilities for stock car or other motorized vehicle racing is prohibited.*

15.108.040 Automotive Wrecking, Salvage and Junk Yards

A. Applicability. Automotive Wrecking, Salvage and Junk Yards are allowed with Conditional Use approval within the Light Industrial and Public Facility zone and are required to meet the following license standards.

B. License Standards. *No person shall engage in business as a junk dealer, or maintain a junk yard without first having obtained a license from the City, for which license a fee in accordance with the schedule hereinafter set forth shall be paid to the City for the use of the City. The license shall be issued for the twelve month period beginning July 1 and ending June 30 of the following year, and each license must be renewed annually on or before the first day of July of each year.*

- 1. Application for License. The license provided for in this ordinance shall be issued by the City after written application shall have been made therefore by the person desiring to be licensed. Such license shall state the name of the person to whom such license is issued and the premises on which such business is to be conducted, or such junkyard is to be maintained. Such license shall be posted conspicuously upon the premises thereunder. The written application for license described above shall be accompanied by a form, every question of which must be answered, and the form will be supplied by the City. Applicant shall also submit a plot of the premises used or to be used in connection with such license.*
- 2. Issuance of License. Upon receipt of an application by the City, the City shall issue a license or shall refuse to issue a license to the person applying therefore after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purpose of the license, the character of the properties located nearby, and the effect of the proposed use upon the City, both economic and aesthetic. In the event the City shall issue a license, it may impose upon the license and the person applying therefore such terms and conditions in addition to the regulations herein contained and adopted pursuant to this ordinance as may be deemed necessary to carry out the spirit and intent of this ordinance.*
- 3. License Fee. A license fee, in an amount prescribed by City resolution/ordinance shall be paid immediately upon the issuance or renewal of a license.*
- 4. License Limitation. No person licensed under this ordinance shall, by virtue of one license, keep more than one place of business within the City or maintain more than one junkyard, for the purpose of buying, selling and dealing in junk. No person shall engage in business as a junk dealer in any place other than the place designated upon his/her license, or maintain a junkyard in any place other than the place designated upon his/her license.*
- 5. Transfer of License. No license issued by the City shall be transferable by the licensor to any other person unless such a transfer is authorized by the City. Any person desiring to transfer his/her license shall notify the City in writing, which notification shall be accompanied by an application for a license, as described in Section 4 of this ordinance, by the transferee.*
- 6. Transfer Fee. In the event the City shall approve the transfer of a license the transferee shall immediately pay to the City a transfer fee in an amount prescribed by resolution of the City Council.*
- 7. Regulations. Every person licensed under this ordinance shall constantly maintain the licensed premises in accordance with any special provisions imposed by the City and in the manner prescribed by this section and any subsequent regulations adopted by the City:*

D. Maintenance.

- 1. Such premises shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby or a place for the breeding of rodents and vermin.*

2. *No garbage or other organic waste shall be stored in such premises.*
3. *Whenever any motor vehicles shall be received in such premises as junk, all gasoline and oil shall be drained and removed therefrom. Gasoline in an amount not exceeding ten (10) gallons may be stored above ground in said junk yards provided the same be placed in containers approved by appropriate authority. All other gasoline which is kept in the premises shall be stored underground, which underground storage must be approved by appropriate authority.*
4. *The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for firefighting purposes.*
5. *The lot on which such are located shall be enclosed on all sides, except for an entrance and exit not over 25 feet in width, by a solid fence or wall at least 6 feet in height and maintained in good condition. As an alternative, a cyclone, or equal, wire fence at least 6 feet in height and surrounded, except for exit and entrance described above, by evergreens at least 6 feet in height and planted no further than 6 feet apart so as to form a solid screen may be used.*
6. *The premises to be licensed shall be set back a minimum distance of 200 feet from the center of any road and a minimum distance of 100 feet from all other property lines. The area between the set-back line and the road and all other property lines shall be at all times kept clear and vacant.*
7. *It shall not emit any offensive odors or noxious, toxic, or corrosive fumes or gases.*
8. *It shall not exhaust into the air any excessive dust or smoke.*
9. *It shall be carried on only in buildings classified as fire-resistant and be carried on in such a manner and with such precautions against fire and explosion hazards as to produce no exposure hazards to an adjacent property.*
10. *It shall not discharge any wastes, whether liquid or solid, into river/sloughs or streams, including any surface and underground waters – both natural and artificial unless approved by the City and/or any other public regulatory agency which has jurisdiction in water quality.*

15.108.050 Marijuana Businesses

A. Applicability. *The requirements of this section apply to all Marijuana Businesses.*

B. Procedures.

1. *Marijuana Businesses, including a new Marijuana Business located at the same location as previously approved Marijuana Business shall obtain a Zoning Checklist pursuant to Chapter 15.308, and/or a Site Plan Review approval pursuant to Chapter 15.312, whichever is required by the Article 8.*
2. *All applications shall be made in the same name as the “registrant” as that term is defined in ORS 475B.610(1)(b) or the “licensee” as that term is defined in ORS 475B.015.*

C. Additional Approval Criteria. *In addition to any applicable approval criteria for Zoning Permit and/or Site Plan Review approval, the applicant shall comply with the following approval criteria:*

1. *An application for a Marijuana Business must have a current city business license at the time of application.*
2. *Applicant’s proposal must demonstrate compliance, or the ability to comply (with appropriate conditions of approval), with applicable provisions of the Time, Place, and Manner Restrictions.*
3. *Marijuana Businesses shall be setback at least 50 feet from Highway 97.*
4. *A public entrance to a Marijuana Businesses shall not be visible from or oriented towards Highway 97 or Huntington Road, unless the Marijuana Business is located in a building that is more than 50 feet from the right-of-way of those roadways.*
5. *A Marijuana Business cannot be approved as a home occupation or home-based business.*
6. *Marijuana Businesses can only be approved in the zones in which the specific type of Marijuana Business is expressly identified as an allowed use. Permissibility of one type of Marijuana Business in a particular zone cannot be the basis to allow a non-permitted type of Marijuana Business as a similar use in that zone.*
7. *Co-location of Marijuana Businesses on the same property is permitted except as prohibited by state law, the Time, Place, and Manner Restrictions, and this Code.*
8. *All Marijuana Businesses will conduct operations inside secure, enclosed structures. Marijuana Products may not be displayed in a manner that is externally visible to the public. No drive-through, curb-side, mobile, or other external sale methods are permitted.*
9. *The applicant shall demonstrate how the proposed Marijuana Business complies with all state security system requirements applicable to the proposed Marijuana Business.*
10. *The applicant must demonstrate how measures to control odors satisfies applicable requirements set forth in the Time, Place, and Manner Restrictions.*
11. *The structure within which the Marijuana Business will operate must meet applicable fire and building code requirements.*
12. *Applications for a specific type of Marijuana Business shall satisfy the additional standards applicable to that type of Marijuana Business set out in subsection (C) through (F) below.*

C. Additional Criteria for Marijuana Dispensaries

1. *Marijuana Dispensaries must not be located (a) at the same address as a marijuana grow site registered under ORS 475B.420, (b) within 1,000 feet of the real property comprising a public or private elementary, secondary, and/or career school attended primarily by minors, and/or (c) within 1,000 feet of another dispensary, “Within 1,000 feet” means a straight line measurement in a radius extending for 1,000 feet or less in every direction from the closest point on the boundary line of the real property on which the Marijuana Dispensary is proposed to be sited.*
2. *Marijuana Dispensaries are considered “retail stores” for purposes of parking requirements.*

D. Additional Criteria for Marijuana Production Facilities

1. *Marijuana Production Facilities shall only be approved if the growing activities occur exclusively within permanent, fully enclosed, rigid, non-translucent structures that require a structural building permit. All lighting used for growing purposes must be contained completely inside the structure. No hoop-houses, sheds, shipping containers, trailers, or similar structures are permitted.*
2. *Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products occur at the same location as a Marijuana Production Facility.*
3. *Where multiple producers operate in the same building or on the same property, initial construction and any expansion to any building shall be subject to Site Plan Review. Each tenant, and each change in tenant, shall require approval of a zoning permit.*

E. Additional Criteria for Marijuana Processing Facilities

1. *Marijuana Processing Operations shall only occur in permanent, fully enclosed, rigid, non-translucent structures requiring a structural building permit.*
2. *Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products occur at the same location as a Marijuana Processing Facility.*
3. *Where multiple processors operate in the same building or on the same property, initial construction and any expansion to any building shall be subject to Site Plan Review. Each tenant, and each change in tenant, shall require approval of a zoning permit.*

F. Additional Criteria for Marijuana Testing Laboratories

1. *Under no circumstances, and notwithstanding anything in this Zoning Ordinance to the contrary, may retail sales of Marijuana Products be conducted by a Marijuana Testing Laboratory.*

G. Conditions of Approval. *In addition to any conditions of approval imposed as part of Zoning Checklist and/or Site Plan Review approval, and any other standards for the zone in which the Marijuana Business is located, Marijuana Businesses are subject to the following conditions of approval:*

1. *The applicant for a Marijuana Business shall obtain and present documentation of all applicable state approvals, registration, licensing, and permitting to the City within 6 months of Zoning Permit or Site Plan Review approval.*
2. *Marijuana Businesses shall keep all required state registration, licensing, and permitting current.*
3. *Marijuana Businesses shall keep all required City business license or other required permits current.*
4. *At all times, Marijuana Businesses shall remain compliant with applicable provisions of the Time, Place, and Manner Regulation and applicable state laws governing the applicable Marijuana Business, all as they may be amended from time to time.*

5. *The applicant shall provide the City notice and applicable documentation from the state of any change in the "licensee" or "registrant" for a Marijuana Business or the suspension, loss, or forfeiture of any state approval, registration, licensing, or permitting.*
6. *The Zoning Checklist and/or Site Plan Review approval for a Marijuana Business shall be void if any condition of approval is violated and not cured within 30 days of notice from City unless a cure is not reasonably possible within 30 days in which case the applicant must provide sufficient evidence, in City's discretion, that the applicant has made reasonable progress towards a cure and the cure will be remedied a timely manner, but no later than 60 days.*
7. *The Zoning Checklist and/or Site Plan Review approval shall expire if the Business does not operate for any period of six consecutive months.*

15.108.060 Mining

- A. Applicability.** *Excavation of sand, soil, gravel, coal, oil, natural gas, or other minerals from the ground may be permitted only in the Industrial zone and only as a conditional use upon application to and approval by the City. Conditional approval and these regulations do not apply where such excavation activities are to be conducted entirely as a non-commercial accessory or subordinate use to a principal use permitted by the zone.*
- B. Standards.** *Prior to approval of the excavation activities by the City, the applicant for a conditional use shall comply with the following conditions:*
 1. *An approved permit from the State of Oregon, if needed, shall be presented to the City.*
 2. *The applicant shall guarantee that a notice of the final inspection conducted by the State of Oregon, if needed, will be provided to the City in order that the City has the opportunity to participate in the inspection.*

15.108.070 Waste Treatment and Recycling

- A. Applicability.** Waste Treatment and Recycling, where allowed, are subject to review and approval through a Type II procedure, pursuant to Chapter 15.312, Site Plan Review, and shall conform to all the following standards.
- B. Standards.**
 1. The applicant shall comply with all applicable regulations and requirements of the State of Oregon and shall present to the City an approved permit for the proposed facility.
 2. The applicant shall grant a right of entry to the proposed facility to the City or its authorized representatives, upon written request by the City, in order to inspect the facility and ensure that all applicable regulations and requirements are being met while the facility is in operation.

3. The City may impose other conditions, based on consideration of the unique physical conditions and natural and man-made characteristics of the proposed facility site and its surroundings, which do not violate the minimum standards of the State of Oregon and which are reasonably necessary to provide maximum protection to the City's underground and surface water supplies and to minimize adverse impacts to surrounding properties.

15.108.080 Wireless Telecommunication Facilities

A. Applicability. The following standards apply to Wireless Telecommunication Facilities in all locations in the City. For a definition of Wireless Telecommunication Facilities and component parts, see Article 2. For use regulations that apply to Wireless Telecommunication Facilities in each zoning districts, see Article 3.

B. Standards for Communication Antennas and Communication Equipment Buildings.

1. *Building mounted Communication Antennas shall not be located on any single-family, two-family or multi-family dwelling.*
2. *Building mounted Communication Antennas shall be permitted to exceed the height limitations of the applicable zone by no more than twenty (20) feet.*
3. *Omnidirectional or whip Communications Antennas shall not exceed twenty (20) feet in height and seven (7) inches diameter.*
4. *Directional or panel Communication Antennas shall not exceed five (5) feet in height and three (3) feet in width.*
5. *Any applicant proposing Communications Antennas to be mounted on a Building or other structure shall submit evidence from a registered professional engineer certifying that the proposed installation will not exceed the structural capacity of the Building or other Structure, considering wind and other loads associated with the antenna location.*
6. *Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit detailed construction and elevation drawings indicating how the antennas will be mounted on the Structure for review by the City for compliance with this Zoning Ordinance.*
7. *Any applicant proposing Communication Antennas to be mounted on a Building or other Structure shall submit to the City evidence of agreements and/or easements necessary to provide access to the Building or Structure on which the antennas are to be mounted so that installation and maintenance of the antennas and Communications equipment Building can be accomplished.*
8. *Communication Antennas shall comply with all applicable standards established by the Federal Communications Commission governing human exposure to electromagnetic radiation.*
9. *Communication Antennas shall not cause radio frequency interference with other communications facilities located in Deschutes County.*

10. *A Communication Equipment Building shall be subject to the height and setback requirements of the applicable zone for an accessory structure.*
11. *The owner or operator of Communications Antenna shall be licensed by the Federal Communications Commission to operate such antennas.*
12. *Any applicant proposing Communications Towers to be constructed shall submit evidence from a registered professional engineer certifying that all Facilities will be constructed to meet Federal, State, and Local requirements for loads.*
13. *The Tower foundation and base, as well as any other communications equipment buildings, shall be screened from the abutting properties.*
14. *The applicant and owner of record of any Wireless Telecommunications Facilities must supply a facility removal plan and provide evidence that removal expenses have been properly estimated. The owner must file, at its cost and expense, a security performance bond with the City to insure the removal of abandoned or unused facilities.*
15. *Any unused or abandoned Wireless Telecommunications Facilities must be dismantled by the permit holder within one year of the date of abandonment. After this timeframe, the City may use the security bond to dismantle the abandoned tower.*
16. *Private HAM operator towers and antennae must comply with all local, State and Federal rules. This includes the maximum height restriction permitted in the specific zones.*

D. Standards for Communications Towers

1. *All Communication Towers shall have a security fence installed around the tower base no less than 50 feet in any direction and no less than eight foot height. Additional fencing may be required to protect the public from operational energy.*
2. *All applicants must co-locate on existing towers or locate on land owned or leased by the City or County. If the applicant does not do this, they must prove hardship as to why they could not co-locate or locate on City or County lands before they can construct a tower on private land.*

15.108.090 Temporary Uses

- A. Purpose.** The following provisions are intended to allow for temporary uses while limiting their impacts.
- B. Applicability.** Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and vegetable stands, and similar uses. Temporary uses occur only once in a calendar year and for not longer than 30 days, consecutively in any calendar year. Uses may be permitted on a temporary basis, subject to review and approval under Chapter 15.312, Site Plan Review.

- C. Standards.** This Code contains permit procedures for three types of temporary uses: Seasonal and Special Events, Temporary Sales Offices and Model Homes, and Temporary Buildings, Trailers, Kiosks, and Other Structures.
- D. Seasonal and Special Events.** Through a Type II procedure, the City shall approve, approve with conditions, or deny a temporary use application for a Seasonal or Special Event, based on the following criteria:
1. The use is permitted in the underlying zone, and does not violate any conditions of approval for the property (e.g., prior development permit approval).
 2. The use occurs only once in a calendar year and for not longer than 30 consecutive days.
 3. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval).
 4. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
 5. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter XX Access and Circulation.
 6. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter XX Landscaping, Fences and Walls.
 7. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter XX Parking and Loading.
 8. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter XX Public Facilities.
 9. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
 10. The use is adequately served by sewer or septic system and water, as applicable.
 11. The applicant shall be responsible for maintaining all required licenses and permits.
- B. Temporary Sales Office or Model Home.** Through a Type II procedure, the City shall approve, approve with conditions, or deny a temporary use application for a Temporary Sales Office or Model Home, based on the following criteria:
1. Temporary sales office. The use of any real property within the City as a temporary sales office, office for the purpose of facilitating the sale of real property, shall meet all of the following criteria:
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.

- b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.
 - c. Public health, safety, and welfare shall be protected through conditions imposed by the City, regarding temporary utility connections.
 2. Model house. The use of any real property within the City for a model home, including a model home in any subdivision or on any tract of land within the City, shall meet all of the following criteria:
 - a. Where the model house is located in a Residential zone, it shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated.
 - b. A model house located in a Residential zone shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements.
 - c. A model house located in a non-Residential zone, as with a manufactured home sales display lot, shall be removed when the use of the subject site for home sales ends.
- C. Temporary Buildings, Trailers, Kiosks, and Other Structures.** Through a Type II procedure, the City shall approve, approve with conditions, or deny an application for a placement and use of a temporary building, trailer, kiosk, or other structure, based on following criteria:
 1. The use is permitted in the underlying zone and does not violate any conditions of approval for the property (e.g., prior development permit approval).
 2. The applicant, if different than the property owner, has proof of the owner's permission to place the use on the property.
 3. The lot development standards of Article 3 are met.
 4. Ingress and egress are adequate and do not raise safety concerns when the proposed use is combined with the other uses of the site, pursuant to Chapter XX Access and Circulation.
 5. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter XX Landscaping, Fences and Walls.
 6. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant to the Chapter XX Parking and Loading.
 7. The temporary use does not conflict (i.e., create a nonconformity) with the provisions of Chapter XX Public Facilities.
 8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use.
 9. The use is adequately served by sewer or septic system and water, as applicable.
 10. The structure complies with applicable building codes.

11. Except where specifically authorized by the Planning Official, the length of time that the temporary structure may remain on a site shall not exceed 3 consecutive months or a total of 6 months in any one calendar year.
12. The applicant has obtained and will maintain all required licenses and permits.
13. Public health, safety, and welfare are protected through the installation of a water meter, if necessary, and other improvements, pursuant to Chapter XX Public Facilities, as necessary.

ARTICLE 7 – Procedures

Chapters:

- 15.202 Summary of Application Types and General Provisions
- 15.204 Application Procedures
- 15.208 Reconsideration
- 15.212 Appeals

Chapter 15.202 Summary of Application Types and General Provisions

Sections:

15.202.010	Purpose and Applicability
15.202.020	Time Limit and Consolidated Review
15.202.030	City Planning Official's Duties and Development Review Committee
15.202.040	Pre-application conference
15.202.050	Neighborhood Contact
15.202.060	Withdrawal of application
15.202.070	Effect of determinations made outside of established processes
15.202.080	Modification of application
15.202.090	Reapplication limited
15.202.100	Correction of clerical errors
15.202.110	Expiration of approval
15.202.120	Initiation of use
15.202.130	Modification of approval
15.202.140	Transfer of permit

Summary: This Article provides procedures for the processing of applications and replaces the City's current Procedures Ordinance. As recommended in the Action Plan, the draft Code includes a classification system for use with all land use applications based on the Type I – IV procedure categories. This provides a clear and widely understood framework for understanding the applicable review procedures relating to whether or not public notice is required, whether review procedures are considered clear and objective or discretionary, whether or not a public hearing is required, and appeal options and timelines for local decisions. This Chapter summarizes the new Type I-IV procedures. It also outlines the general provisions applicable to all applications, many of which are from the current Procedures Ordinance (*in italics*).

Key changes/issues include:

- New Type I – IV procedure types assigned to each type of application.
- New neighborhood meeting requirement which is intended to help applicants and residents work through potential design issues before the city begins processing a land use application and is subject to 120-day clock. As drafted, this would be a requirement for master plans, subdivisions with more than 10 lots, major variances and property owner-initiated for zone changes.
- Currently pre-application conferences with City staff are optional. The City may wish to consider making them a requirement for major projects.

NOTE: This Article will be reviewed by the City Attorney who may recommend changes for Draft #2.

15.202.010 Purpose and Applicability

- A. Purpose.** The purpose of this chapter is to establish standard 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 approvals.

B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter 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 permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table 15.202-1 lists the City’s land use and development approvals and corresponding review procedure(s).

1. **Type I Procedure (Ministerial Staff Review with no Notice)** Type I decisions are made by the City Planning Official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards).
2. **Type II Procedure (Administrative/Staff Review with Notice).** Type II decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.
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.
4. **Type IV Procedure (Legislative Review).** The Type IV procedure applies to the adoption of law or policy applicable Citywide or to a broad geographical area of the City. Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

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

Approvals*	Review Procedures	Applicable Regulations
Legal Lot Determination Procedure	Type II	Chapter 15.304
Zoning Checklist	Type I	Chapter 15.308
Certificate of Use and Occupancy	Type I	Chapter 15.308
Site Plan Review	Type II	Chapter 15.312
Conditional Use	Type II	Chapter 15.316
Variance	Type III	Chapter 15.320

Approvals*	Review Procedures	Applicable Regulations
Variance, Minor	Type II	Chapter 15.320
Variance, Riparian	Type III	Chapter 15.320
Exceptions	Type III	Chapter 15.324
Code Interpretation	Type II	Chapter 15.328. Routine interpretations that do not involve discretion do not require a permit.
Street Vacation	Type III / IV	Chapter 15.330
Dedications Not Part of Development	NA	See Chapter 15.332
Map Amendment (quasi-judicial zone change)	Type III	Chapter 15.344
Legislative Text or Map Amendment	Type IV	Chapter 15.344
Annexation	Type III / IV	Chapter 15.338
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
* The applicant may be required to obtain building permits and other 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.		

15.202.020 Time Limit and Consolidated Review

A. Time Limits.

1. Determination of Completeness.
 - a. Upon receipt of an application, the Planning Official shall review the application for completeness.
 - i. Incomplete applications shall not be reviewed until all required information has been submitted by the applicant;

- ii. If incomplete, the applicant shall be notified and provided additional time of up to thirty (30) days to submit supplemental information as necessary.
 - b. The application shall be deemed complete either:
 - i. Upon receipt of the additional information; or,
 - ii. *If the applicant refuses or fails to submit missing information within the 30 days, the application shall be deemed complete, for purposes of processing the application, on the 31st day after the application was first submitted.*
 - c. Referrals may be sent to the Development Review Committee. If a county road or state highway might be impacted, referrals should be sent to Deschutes County public works and/or ODOT. Developments on any land illustrated on the NWI/LWI Maps shall be referred within five days of receipt to the Oregon Division of State Lands.
 - d. *An applicant shall not submit any evidence to supplement its application during the 30 days following submittal of its application, except to respond to a request for additional information made under subsection (a). Any other evidence submitted by an applicant will not be considered in determining whether the application is complete and will be returned to the applicant.*
 - 2. 120-day Rule. The City shall take final action on Administrative and Quasi-Judicial land use applications, pursuant to this chapter, including resolution of all appeals, within 120 days from the date the City Planning Official deems the application complete for purposes of processing, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (Note: The 120-day rule does not apply to Legislative Land Use decisions.)
 - 3. 100-day Rule. The City must take final action including resolution of all local appeals on qualifying applications under ORS 227.180 within 100 days after the application is deemed complete. An application qualifies if it is submitted under ORS 227.175 and meets the following criteria:
 - a. The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;
 - b. At least 50 percent of the residential units included in the development will be sold or rented as affordable housing. For the purposes of this section, “affordable housing” means housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater; and
 - c. The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any residential unit described in paragraph (b) of this subsection as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.
 - 4. *The periods set forth in Section 5.5.0 during which a final decision on an application must be made may be extended for a reasonable period of time at the written request of the applicant.*
- B. Time Periods.** In computing time periods prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins shall not be included. The last day of the period shall be

included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.

- C. Consolidated Review of Applications.** When an applicant applies for more than one type of land use or development permit 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.

15.202.030 City Planning Official's Duties and Development Review Committee

- A. City Planning Official's Duties.** The City Planning Official, or his or her designee, shall perform all of the following duties with regard to administration of this Code:

1. Prepare application forms based on the provisions of this Code and applicable state law;
2. Prepare required notices and process applications for review and action;
3. Assist the Planning Commission and City Council in administering the hearings process;
4. Answer questions from the public regarding the City's land use regulations;
5. Prepare staff reports summarizing pending applications, including applicable decision criteria;
6. Prepare findings consistent with City decisions on land use and development applications;
7. Prepare notices of final decisions, file the notices in the City's records, and mail a copy of the notices to all parties entitled to notice under this Code; and
8. Maintain and preserve the file and public record for each application.

- B. Development Review Committee.** The Development Review Committee may assist the Planning Official in the review of proposed development and preparation of staff reports.

1. *The following persons, parties and agencies shall constitute the membership of the City Development Review Committee.*
 - a. *Public Works Official.*
 - b. *Engineering Official.*
 - c. *Police and/or County Sherriff as applicable*
 - d. *Fire and Rescue*
 - e. *Public utility representatives (Water and Sewer Districts).*
 - f. *School District representatives.*
 - g. *Parks and Recreation District Director.*
 - h. *Building Official*

- i. Any other person, party or agency deemed by City staff to be affected by the land use proposal or to have specific knowledge or expertise in regard to the specific proposal.*
- 2. Committee review factors. In review of a proposed development, the Committee shall, at a minimum, consider the following factors.*
 - 1. Tentative plan, site plan or other relevant requirements.*
 - 2. Possible adverse effects on the development by natural hazards, or adverse effects on any natural or other Goal 5 resources by the development.*
 - 3. Quantity and quality of existing or proposed water supply, and the adequacy of the existing or proposed sewage disposal system.*
 - 4. Adequacy of public services to serve the development; including streets, schools, police, fire, public utilities and health or medical facilities.*
 - 5. Conformance with the design and improvement standards, and in any other applicable city ordinance, regulations or standards.*
 - 6. Conformance with applicable state regulations.*
 - 7. Provisions for the continuity of public services and access to adjoining lands.*

15.202.040 Pre-application conference

A pre-application conference is encouraged for complex applications or for applicants who are unfamiliar with the land use process. 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.

15.202.050 Neighborhood Contact

- A. Purpose and Applicability.** 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 and delivered in person, or by certified mail, to all of the 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, must make a sound or video recording or keep written minutes of the meeting that give a true reflection of the matters discussed at the meeting and the views of the participants. The applicant must also make a list of names of persons attending the meeting.
- E. Filing requirements.** Proof of having held the meeting, 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 land use application: a copy of the notice mailed, certified mail receipts, all addresses for which notice was mailed (e.g., copy of mailing labels), a certificate of personal service for those persons who were provided notice by personal service (including the date of service and the name of the person who provided service), a record or minutes of the meeting with a list of attendees, and copies of the meeting notice and all other written materials provided prior to or distributed at the meeting.]

15.202.060 Withdrawal of application

An applicant may withdraw an application in writing at any time prior to the time a land use action decision becomes final. If the landowner is not the applicant, no consent to withdraw the application is needed from the landowner. Refunds for withdrawn applications shall be determined from the following schedule:

- A.** *Refund request after file is made prior to acceptance of an application as complete and/or prior to the mailing of transmittals or public notice - 75%*
- B.** *Refund after public notice or transmittals have been sent. 50%*
- C.** *No refund shall be allowed after the preparation of a Decision or Staff Report.*

15.202.070 Effect of determinations made outside of established processes

Any informal interpretation or determination, or any statement describing the uses to which a property may be put, made outside the procedures described in this Article shall be deemed to be a supposition only. Such informal interpretations, determinations, or statements shall not be deemed to constitute final City action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, on any person.

15.202.080 Modification of application

- A. *An applicant may modify an application at any time during the approval process up until the issuance of an administrative decision, or the close of the record for an application reviewed under a hearings process, subject to the provisions of Section 15.204.020 and this section, and payment of the required fee.*
- B. *The Planning Official or Planning Commission shall not consider any evidence submitted by or on behalf of an applicant that would constitute modification of an application unless the applicant submits an application for a modification, pays all required modification fees and agrees in writing to restart the 120-day review period as of the date the modification is submitted. The 120-day time clock for an application, as modified, may be restarted as many times as there are modifications. For the purposes of this section "Modification of application" means the applicant's submittal of new information after an application has been deemed complete and prior to the close of the record on a pending application that would modify a development proposal by changing one or more of the following previously described components: proposed uses, operating characteristics, intensity, scale, site lay out (including but not limited to changes in setbacks, access points, building design, size or orientation, parking, traffic or pedestrian circulation plans), or landscaping in a manner that requires the application of new criteria to the proposal or that would require the findings of fact to be changed. It does not mean an applicant's submission of new evidence that merely clarifies or supports the pending application.*
- C. *The Planning Official or Planning Commission may require that the application be re-noticed and additional hearings be held.*
- D. *Up until the day a hearing is opened for receipt of oral testimony, the Planning Official shall have sole authority to determine whether an applicant's submittal constitutes a modification. After such time, the Planning Commission shall make such determinations. The Planning Official or Planning Commission determination on whether a submittal constitutes a modification shall be appealable only to LUBA and shall be appealable only after a final decision is entered by the City on an application.*

15.202.090 Reapplication limited

- A. *If a specific application is denied on its merits, reapplication for substantially the same proposal may be made at any time after the date of the final decision denying the initial application.*
- B. *Notwithstanding Subsection (A), a final decision bars any reapplication for a nonconforming use verification or for a determination on whether an approval has been initiated.*

15.202.100 Correction of clerical errors

Upon its own motion or the motion of a party, the Council may, subject to any applicable public notice and hearing requirements, enact an ordinance correcting clerical or typographical errors in Comprehensive Plan amendment or Zone change ordinances and any maps appended thereto implementing decisions of the Planning Commission. Such changes shall be entered only if the Council is able to make a finding that the decision of the Planning Commission, including appendices, is not accurately reflected in the implementing ordinances.

15.202.110 Expiration of approval

A. Scope.

1. *Except as otherwise provided herein, this section shall apply to and describe the duration of all approvals of land use permits provided for under this Development Code.*
2. *This section does not apply to:*
 - a. *Those determinations made by declaratory ruling or expiration determinations, that involve a determination of the legal status of a property, land use or land use permit rather than whether a particular application for a specific land use meets the applicable standards of the zoning ordinance. Such determinations, whether favorable or not to the applicant or landowner, shall be final, unless appealed, and shall not be subject to any time limits.*
 - b. *Quasi-judicial map changes.*

B. Duration of Approvals.

1. *Except as otherwise provided under this section or under other applicable provisions of this Code, a land use permit is void two years after the date the discretionary decision becomes final if the use approved in the permit is not initiated within that time period.*
2. *Except as otherwise provided under applicable ordinance provisions, preliminary approval of plats or master plans shall be void after two years from the date of preliminary approval, unless the final plat has been submitted to the Planning Department for final approval within that time period, or an extension is sought under Subsection (C), or the preliminary plat or master plan approval has been initiated as defined herein.*
3. *In cases of a land use approval authorized under applicable approval criteria to be completed in phases, each phase must be initiated within one year of completion of the prior phase, if no timetable is specified, unless an extension is sought under Subsection (C).*

C. Extensions.

1. *The Planning Official may grant one extension of up to one year for a land use approval or a phase of a land use approval, regardless of whether the applicable criteria have changed, if:*
 - a. *An applicant makes a written request for an extension of the development approval period;*
 - b. *The request, along with the appropriate fee, is submitted to the City prior to the expiration of the approval period;*
 - c. *The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period; and*
 - d. *The City determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not responsible, including, but not limited to, delay by a state or federal agency in issuing a required permit.*

2. *Up to two additional one-year extensions, may be granted under the above criteria by the Planning Official where applicable criteria for the decision have not changed.*

D. Procedures.

1. *A determination of whether a land use has been initiated shall be processed as a declaratory ruling.*
2. *Approval of an extension granted under Subsection (C) is an administrative decision, is not a land use decision described in ORS 197.015 and is not subject to appeal as a land use decision and shall be processed under the Code as a development action, except to the extent it is necessary to determine whether the use has been initiated.*

E. Effect of Appeals. *The time period set forth in Subsection (B) shall be tolled upon filing of an appeal to LUBA until all appeals are resolved.*

15.202.120 Initiation of use

A. *For the purposes of this section, development action undertaken under a land use approval described in 15.204.110, has been "initiated" if it is determined that:*

1. *The proposed use has lawfully occurred;*
2. *Substantial construction toward completion of the land use approval has taken place; or*
3. *Where construction is not required by the approval, the conditions of a permit or approval have been substantially exercised and any failure to fully comply with the conditions is not the fault of the applicant.*

B. *For the purposes of this section, "substantial construction" has occurred when the holder of a land use approval has physically altered the land or structure or changed the use thereof and such alteration or change is directed toward the completion and is sufficient in terms of time, labor or money spent to demonstrate a good faith effort to complete the development.*

15.202.130 Modification of approval

A. *A modification shall not be filed as a substitute for an appeal or to apply for a substantially new proposal or one that would have significant additional impacts on surrounding properties. For the purposes of this section a substantially new proposal would require the application of new criteria and a significant impact would result in the imposition of new or different conditions of approval.*

B. *An application to modify an approval shall be directed to one or more discrete aspects of the approval, the modification of which would not amount to approval of a substantially new proposal or one that would have significant additional impacts on surrounding properties. Any proposed modification, as defined in this section, shall be reviewed only under the criteria applicable to that particular aspect of the proposal. Proposals that would modify an approval in a scope greater than allowable as a modification shall be treated as an application for a new proposal.*

C. *An application for a modification shall be handled as a land use action.*

15.202.140 Transfer of permit

- A. A land use action permit shall be deemed to run with the land and be transferable to applicant's successors in interest.*
- B. The Planning Department may require that an applicant record a notice of land use permit and conditions of approval agreement in the Deschutes County Records. Such an agreement shall set forth a description of the property, describe the permit that has been issued and set forth the conditions of approval.*
- C. The terms of the approval agreement may be enforced against the applicant and any successor in interest.*

Chapter 15.204 Application Procedures

- 15.204.010 Type I Procedure (Ministerial/Staff Review)
- 15.204.020 Type II Procedure (Administrative Review with Notice)
- 15.204.030 Type III Procedure (Quasi-Judicial Review - Public Hearing)
- 15.204.040 Type IV Procedure (Legislative Review)

Summary: As recommended in the Action Plan, the draft Code includes a classification system for use with all land use applications based on the Type I – IV procedure categories:

- Type I decisions can be made by City staff “over-the-counter”, no notice is required, and only the applicant can appeal. Staff’s review/sign-off on a building permit (Zoning Checklist) is an example of a Type I.
- Type II decisions can be made by staff or staff can ask the Planning Commission to make the decision. Notice is sent out in advance of the decision so that neighbors and others have a chance to comment. Notice of the decision is also sent out to interested parties letting them know about the decision and the appeal period.
- Type III decisions are made by the Planning Commission at a hearing (or City Council in the case of Plan/Zone Map Amendments). Notice of the hearing is sent out in advance. Notice of the decision is also sent out to interested parties letting them know about the decision and the appeal period.
- Type IV decisions involve legislative amendments of the Comprehensive Plan and Development Code. They typically include broad public policy decisions that apply to other than an individual property owner. For these, the Planning Commission makes a recommendation to the City Council.

To the extent possible, we’ve aligned the notice requirements and review/response times with the current Procedures Ordinance and have included current some of the City’s hearing procedures (*in italics*).

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. 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.
- 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 Planning Official may determine that the building permit application provides sufficient information. Applications shall:
- a. Include the information requested on the application form;
 - b. Address the criteria in sufficient detail for review and action; and
 - c. Be filed with the required fee.

- D. Criteria and Decision.** Type I applications shall be approved or denied by the 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. 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. Notice.** Notice of a decision shall be provided to the applicant or the applicant's representative, and the property owner.
- G. Appeals.** The applicant for a Type I review may appeal Planning Official's decision on the application to the Planning Commission. The appeal shall be filed, pursuant to the provisions of Chapter XXX, within twelve (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.

15.204.020 Type II Procedure (Administrative Review with Notice)

The Planning Official performs Administrative Staff Reviews through the Type II procedure. Type II decisions are made by the Planning Official with public notice and an opportunity for appeal to the Planning Commission. Alternatively, the Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

A. Application Requirements.

1. **Application Forms.** Applications for projects requiring Administrative Review shall be made on forms provided by the Planning Official.
2. **Submittal Information.** The 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; and
 - e. The required fee.

B. Notice of Pending Administrative Decision (Notice of Application).

1. The purpose of the Notice of Pending Administrative Decision is to give nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the Planning Official issues the decision. Within 10-days of receipt of a complete application for a Type II land use action, the Planning Official shall mail notice of a pending Type II decision to the following individuals and agencies.

2. The comment period shall be at least 14 days duration from the date notice was mailed or a longer as specified in the notice. The deadline for submitting written comments must be at least 14 days prior to the scheduled decision date or, as applicable, the scheduled Planning Commission meeting date where an application is referred to the Commission for review.
3. All of the following individuals and agencies shall be notified. *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.*
 - 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;*
 - 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.
3. The notice of pending Administrative Decision, at a minimum, shall contain all of the following information:
 - a. The deadline for submitting written comments, which must be at least 14 days prior to the scheduled decision date or, as applicable, the scheduled Planning Commission meeting date where an application is referred to the Commission for review;
 - b. A summary of the proposal and the relevant approval criteria in sufficient detail to help the public identify and locate applicable code requirements;
 - c. The address and City contact person for submitting written comments; and the date, time, and location the City Planning Official or Planning Commission, as applicable, is scheduled to make a decision on the application;
 - d. The street address or other easily understandable reference to the location of the proposed use or development;
 - e. Disclosure statement indicating 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 Land Use Board of Appeals or Circuit Court on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;

- f. Statement that all evidence relied upon by the City Planning Official or Planning Commission, as applicable, to make its decision is in the public record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the City; and
- g. Statement that after the comment period 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.

C. Decision.

1. At the conclusion of the comment period, the City Planning Official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Code criteria. Alternatively, the City Planning Official may transmit all written comments received, if any, along with a copy of the application to the Planning Commission for review and decision at its next regularly scheduled meeting.
2. Where the City Planning Official refers an application subject to Administrative Review to the Planning Commission, the Planning Commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Code criteria. The Planning Commission may continue its review to the next meeting to allow the applicant time to respond to questions, provided that the Commission makes a final decision within the time period prescribed under state law (ORS 227.178) and as described in Section 15-XX.060 of this Code. Alternatively, the applicant may voluntarily waive his or her right to a final decision within the required timeframe and the Commission may decide to accept oral and written testimony in a public hearing review of the application, pursuant to Section 15-XX.040; in which case, a new public notice must be mailed to those who received the original notice indicating the change to a quasi-judicial (public hearing) review procedure.

D. Notice of Decision.

1. Within seven days of a Type II decision, the City Planning Official shall prepare a notice of decision and mail it to the applicant, property owner (if different), the Building Official, those who provided written comments on the proposal, and those who requested a copy of the decision. If the decision is not a limited land use decision as defined in ORS 197.015(12), *notice shall also be sent to all persons entitled to notice under Subsection B(3)*.
2. The City Planning Official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.
3. The Administrative Notice of 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 public 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 decision to City Council pursuant to subsection 15-XX.030.D.

E. Effective Date of Decision. Unless the conditions of approval specify otherwise, an Administrative Decision becomes effective 12 days after the City mails the decision notice, unless the decision is appealed pursuant to subsection 15-XX.030.D or the decision is called up for review by the City Council pursuant to Section 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.*

F. Appeal of Type II (Administrative) Decision.

1. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:
 - a. The applicant or owner of the subject property;
 - b. Any person who was entitled to written notice of the Type II decision; and
 - c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.
2. Appeal filing procedure.
 - a. Notice of appeal. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures.
 - b. Time for filing. A Notice of Appeal shall be filed with the City Planning Official within the timeframe specified on the Notice of Decision; typically, this will be within 10 days of the date the Notice of Decision is mailed.
 - c. Content of notice of appeal. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:
 - An identification of the decision being appealed, including the date of the decision;
 - A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - A statement explaining the specific issues being raised on appeal; and
 - If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
3. Scope of appeal. The appeal of a Type II Administrative Decision shall be a hearing de novo, either before the Planning Commission, where the contested decision was made by the Planning Official, or before the City Council, where the Planning Commission made the contested decision. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Administrative Decision, but may include other relevant evidence and arguments. The hearing appeal body may allow additional evidence, testimony, or argument concerning any relevant standard, criterion, condition, or issue.

4. **Appeal Hearing Procedure.** Hearings on appeals of Type II decisions shall follow the same procedure used for public hearings on Type III reviews under Section 15-XX.040. Section 15-XX.040 contains requirements for public hearing notices, conduct of hearings, and decision-making procedures.

G. Review by Council.

1. *Review of an administrative action or a Planning Commission decision may be initiated by the City Council. The Council shall consider calling up for review any administrative decision that a majority of the Planning Commission recommends be reviewed.*
2. *Review by the Council shall be initiated by Council order within 12 days of the date of the mailing of the final written decision of the Planning Official or Planning Commission.*
3. *Review shall be conducted in the same manner provided for in appeals, except that an appeal fee and transcript shall not be required. Any Council order calling up for review a decision shall specify whether the Council will review the decision called up on the record or de novo, and whether it intends to limit the issues on review to certain specified issues.*

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 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-XX.070.

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 *applicant or applicant's representative* shall post notice of the hearing on the project site in clear view from a public right-of-way using a poster format prescribed by the City Planning Official.
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.

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 Section 15.XX.*
- 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.XX.*

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 applicant in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

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

- a. *Publicly announce for the record the substance of such communication; and*

b. *Announce the parties' right to rebut the substance of the ex parte communication during the hearing. Communication between City staff and the Hearings Body shall not be considered to be an ex parte contact.*

2. *If the Hearings Body or any member thereof uses personal knowledge acquired outside of the hearing process in rendering a decision, the Hearings Body or member thereof shall state the substance of that knowledge on the record and allow all parties the opportunity to rebut such statement on the record. For the purposes of this section, a site visit by the Hearings Body shall be deemed to fall within this rule. After the site visit has concluded, the Hearings Body must disclose its observations and conclusions gained from the site visit in order to allow for rebuttal by the parties.*

3. *Prior to or at the commencement of a hearing, any party may challenge the qualification of the Hearings Body, or a member thereof, for bias, prejudgment or personal interest. The challenge shall be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, the Hearings Body or the member shall disqualify itself, withdraw or make a statement on the record of its capacity to hear.*

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 public 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 Section 15.XX, further evidence or testimony shall be taken only in accordance with the provisions of Section 15.XX.*
3. *Otherwise, further testimony or evidence will be allowed only if the record is reopened under Section 15.XX.*
4. *An applicant shall be allowed, unless waived, to submit final written arguments in support of its application after the record has closed within such time limits as the Hearings Body shall set. The Hearings Body shall allow applicant at least seven days to submit its argument, which time shall be counted against the 120-day time limit for decision.*

G. Continuances or record extensions.

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

ii. Upon a party's request made prior to the close of the hearing for time to present additional evidence or testimony.

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

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

2. Continuances.

a. If the Hearings Body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial hearing.

b. An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.

c. If new written evidence is submitted at the continued hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to allow submittal of additional written evidence or testimony. Such additional written evidence or testimony shall be limited to evidence or testimony that rebuts the new written evidence or testimony.

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

D. A continuance or record extension granted 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.

- 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 public 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 15-XX.040.D, or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.
- 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 15-XX.040.D 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.
- 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 public record.
 2. Appeal filing procedure.
 - a. Notice of appeal. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type III Quasi-Judicial Decision by filing a Notice of Appeal according to the following procedures.
 - b. Time for filing. A Notice of Appeal shall be filed with the City Planning Official within the timeframe specified on the Notice of Decision; typically, this will be within 10 days of the date the Notice of Decision is mailed.
 - c. Content of notice of appeal. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:

- i. An identification of the decision being appealed, including the date of the decision;
 - ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - iii. A statement explaining the specific issues being raised on appeal; and
 - iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
3. Scope of appeal. The appeal of a Type III Quasi-Judicial Decision shall be a hearing de novo before the City Council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Quasi-Judicial Decision, but may include other relevant evidence and arguments. The hearing appeal body may allow additional evidence, testimony, or argument concerning any applicable standard, criterion, condition, or issue.

L. Record of the Public Hearing.

1. The official public hearing record shall include all of the following information:
 - a. All materials considered by the hearings body;
 - b. All materials submitted by the City Planning Official to the hearings body regarding the application;
 - c. The minutes of the hearing;
 - d. The final written decision; and
 - e. Copies of all notices given as required by this chapter, and correspondence regarding the application that the City mailed or received.
2. The meeting minutes shall be filed in hardcopy form with the City Planning Official. The minutes and other evidence presented as a part of the hearing shall be part of the record.
3. All exhibits received and displayed shall be marked to provide identification and shall be part of the record.

15.204.040 Type IV (Legislative Decisions)

A. Timing of Requests. The City Council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.

B. Application Requirements.

1. **Application forms.** Legislative applications shall be made on forms provided by the City Planning Official.
2. **Submittal Information.** The application shall contain all of the following information:
 - a. The information requested on the application form;
 - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);

- c. The required fee, except when City of La Pine initiates request;
- d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards; and
- e. Evidence of neighborhood contact, if applicable pursuant to Section 15-XX.070.

C. Procedure. Hearings on Legislative Land Use requests are conducted similar to City Council hearings on other legislative proposals, except the notification procedure for Legislative Land Use requests must conform to state land use laws (ORS 227.175), as follows:

1. The City Planning Official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCDC Certificate of Mailing.
2. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any zone change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - a. Each owner whose property would be directly affected by the proposal (e.g., rezoning or a change from one Comprehensive Plan land use designation to another), see ORS 227.186 for instructions;
 - b. Any affected governmental agency;
 - c. Any person who requests notice in writing; and
 - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
3. At least 10 days before the scheduled City Council public hearing date, public notice shall be published in a newspaper of general circulation in the city.
4. For each mailing and publication of notice, the City Planning Official shall keep an affidavit of mailing/publication in the record.

D. Final Decision and Effective Date. A Legislative Land Use decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Legislative Land Use decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development within 20 business days after the City Council decision is filed with the City Planning Official. The City shall also provide notice to all persons as required by other applicable laws.

Chapter 15.208 Reconsideration

- 15.208.010 Reconsideration
- 15.208.020 Procedure
- 15.208.030 Limitation on reconsideration

Summary: The Procedures Ordinance currently includes a process to allow an applicant to request the “reconsideration” of a Planning Commission decision. However, it’s not clear how/when this process should be used instead of an appeal.

- The City should consider whether this process has useful or whether it would be better to rely on the appeals process.

15.208.010 Reconsideration

- A. *An applicant may request that the Planning Commission decision be reconsidered as set forth herein. A request for reconsideration shall be accompanied by a fee established by the City and by applicant's written consent that the 120-day time limit for a land use decision will not run during the period of the reconsideration.*
- B. *Grounds for reconsideration are limited to the following instances where an alleged error substantially affects the rights of the applicant:*
 - 1. *Correction of an error in a condition established by the Planning Commission where the condition is not supported by the record or is not supported by law;*
 - 2. *Correction of errors that are technical or clerical in nature.*

15.208.020 Procedure

- A. *A request for reconsideration shall be filed with the Planning Official within 10 days of the date the decision was mailed. The request shall identify the alleged error in the Planning Commission decision and shall specify how the applicant would be adversely affected if the alleged error were to remain uncorrected.*
- B. *Upon receipt of a request for reconsideration, the Planning Official shall forward the request for reconsideration to the Planning Commission and notify the other parties to the proceeding of the request and allow for a 10-day comment period on the request. At the end of the comment period, the Planning Commission shall determine whether the request for reconsideration has merit.*
- C. *The Planning Commission shall modify the decision upon a determination that the request has merit and the alleged error substantially affects the applicant. Notice of the modification shall be sent to all parties to the proceeding. If the Planning Commission determines that no modification is warranted, a determination shall issue a decision to that effect.*
- D. *Filing a request for reconsideration shall not be a precondition for appealing a decision.*

E. Filing a request for reconsideration stays the deadline for any party to file an appeal of the Planning Commission decision. The appeal period for all parties to the proceeding shall commence upon mailing of a modification or upon mailing a determination that a modification is not warranted. If an opponent files an appeal and an applicant has requested reconsideration, the opponent's appeal shall be stayed pending disposition of the request for modification. If the decision is not modified, the appeal will be processed in accordance with the procedures set forth in Chapter 15.212. If the decision is modified, the appellant must within 12 days of the mailing of the modified decision file in writing a statement requesting that its appeal be activated.

15.208.030 Limitation on reconsideration

No decision shall be reconsidered more than once by the Planning Commission.

Chapter 15.212 Appeals

15.212.010	Who may appeal
15.212.020	Filing appeals
15.212.030	Notice of appeal
15.212.040	Consolidation of multiple appeals
15.212.050	Scope of review
15.212.060	Hearing on appeal
15.212.070	Declining review
15.212.080	Development action appeals
15.212.090	Withdrawal of an appeal

Summary: This Chapter, which outlines the process by which the City would consider an appeal of a Type I-III decision, is based on the current Procedures Ordinance. Some updates have been made to coincide with the new review procedures. However, further refinements are needed following review by the City Attorney.

15.212.010 Who may appeal

The following may file an appeal:

- A. A party to the application, including the applicant, property owner and/or representatives of the applicant or property owner;*
- B. In the case of an appeal of an administrative decision without prior notice, a person entitled to notice, a person adversely affected or aggrieved by the administrative decision, or any other person who has filed comments on the application with the Planning Division; and*
- C. A person entitled to notice and to whom no notice was mailed.*
- D. A person to whom notice is mailed is deemed notified even if notice is not received.*
- E. All persons who testified at the public hearing or submitted written testimony.*

15.212.020 Filing appeals

- A. To file an appeal, an appellant must file a completed notice of appeal on a form prescribed by the Planning Department and an appeal fee.*
- B. Unless a request for reconsideration has been filed, the notice of appeal and appeal fee must be received at the offices of the City of La Pine Planning Department no later than 5:00 PM on the twelfth day following mailing of the decision. If a decision has been modified on reconsideration, an appeal must be filed no later than 5:00 PM on the twelfth day following mailing of the decision as modified. Notices of Appeals may not be received by facsimile machine.*

- C. If the City Council is the Hearings Body and the City declines review of the appeal, a portion of the appeal fee may be refunded. The amount of any refund will depend upon the actual costs incurred by the City in reviewing the appeal.*
- D. The appeal fee shall be paid by cash or check or money order, except that local, state or federal governmental agencies may supply a purchase order at the time of filing.*

15.212.030 Notice of appeal

The Notice of Appeal shall include:

- A. A statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue in dispute.*
- B. If the City Council is the Hearings Body, a request for review by the Council stating the reasons why the Council should review the lower Hearings Body's decision.*
- C. If the City Council is the Hearings Body and de novo review is desired, a request for de novo review by the Council stating the reasons why the Council should provide de novo review as provided in Section 15.212.050.*

15.212.040 Consolidation of multiple appeals

If more than one party files a notice of appeal on a land use action decision, the appeals shall be consolidated and noticed and heard as one proceeding.

15.212.050 Scope of review

- A. Before Planning Commission. The review on appeal before the Planning Commission shall be de novo.*
- B. Before the Council.*
 - 1. Review before the City Council, if accepted, shall be on the record except as otherwise provided for in this section.*
 - 2. The Council may grant an appellant's request for a de novo review at its discretion after consideration of the following factors:*
 - a. Whether hearing the application de novo could cause the 120-day time limit to be exceeded; and*
 - b. If the magnetic tape of the hearing below, or a portion thereof, is unavailable due to a malfunctioning of the recording device during that hearing, whether review on the record would be hampered by the absence of a transcript of all or a portion of the hearing below; or*
 - c. Whether the substantial rights of the parties would be significantly prejudiced without de novo review and it does not appear that the request is necessitated by failure of the appellant to present evidence that was available at the time of the previous review; or*
 - d. Whether in its sole judgment a de novo hearing is necessary to fully and properly evaluate a significant policy issue relevant to the proposed land use action.*

For the purposes of this section, if an applicant is an appellant, factor Section 15.212.050 (B)(2)(a) shall not weigh against the appellant's request if the applicant has submitted with its notice of appeal written consent on a form approved by the City to restart the 120-day time limit as of the date of the acceptance of applicant's appeal.

3. *Notwithstanding Section 15.212.050 (B)(2), the Council may decide on its own to hear a timely filed appeal de novo.*
4. *The Council may, at its discretion, determine that it will limit the issues on appeal to those listed in an appellant's notice of appeal.*

15.212.060 Hearing on appeal.

- A. *The appellant and all other parties to the decision below shall be mailed notice of the hearing on appeal at least 10 days prior to any de novo hearing or deadline for submission of written arguments.*
- B. *Except as otherwise provided in this Chapter, the appeal shall be heard as provided in Section XX. The applicant shall proceed first in all de novo appeals.*
- C. *The order of Hearings Body shall be as provided in Section XX.*
- D. *The record of the proceeding from which appeal is taken shall be a part of the record on appeal.*
- E. *The record for a review on the record shall consist of the following:*
 1. *A written transcript of any prior hearing;*
 2. *All written and graphic materials that were part of the record below;*
 3. *The Hearings Body decision appealed from;*
 4. *Written arguments, based upon the record developed below, submitted by any party to the decision;*
 5. *Written comments submitted by the Planning Commission or individual planning commissioners, based upon the record developed below; and*
 6. *A staff report and staff comment based on the record. No oral evidence, argument or comment other than staff comment based on the record shall be taken. The Hearings Body shall not consider any new factual information.*

15.212.070 Declining Review

Except for decisions on Comprehensive Plan amendments and Zone changes when the City Council is adopting the Planning Commission's decision, when there is an appeal of a land use action and the City Council is the Hearings Body:

- A. *The Council may on a case-by-case basis, at a public meeting, determine that the decision of the lower Hearings Body of an individual land use action or a class of land use action decisions, shall be the final decision of the City.*
- B. *If the City Council decides that the lower Hearings Body decision shall be the final decision of the City, and then the Council shall not hear the appeal and the party appealing may continue the appeal as provided by law. In such a case, the City shall provide written notice of its decision to all parties. The decision on the land use application becomes final upon mailing of the Council's decision to decline review.*
- C. *The decision of the City Council not to hear a land use action appeal is entirely discretionary.*
- D. *In determining whether to hear an appeal, the City Council may consider only:*
 - 1. *The record developed before the lower Hearings Body;*
 - 2. *The notice of appeal; and*
 - 3. *Recommendations of City staff.*

15.212.080 Type I Development Action appeals

Notice of the hearing date set for appeal shall be sent only to the applicant. Only the applicant, his or her representatives, and his or her witnesses shall be entitled to participate. Continuances shall be at the discretion of the Hearings Body, and the record shall close at the end of the hearing.

15.212.090 Withdrawal of an appeal

An appeal may be withdrawn in writing by an appellant at any time prior to the rendering of a final decision. Subject to the existence of other appeals on the same application, in such event the appeal proceedings shall terminate as of the date the withdrawal is received.

ARTICLE 8 – APPLICATIONS AND REVIEWS

Chapters:

- 15.304 Legal Lot of Record and Legal Lot Determination
- 15.308 Zoning Permit, Certificate of Use, and Occupancy
- 15.312 Site Plan Review
- 15.316 Conditional Use Permit
- 15.320 Variance
- 15.324 Exceptions
- 15.328 Code Interpretations
- 15.330 Street Vacations
- 15.334 Text and Map Amendments
- 15.338 Annexation

Chapter 15.304 Lot of Record and Legal Lot Determination

Sections

15.304.010	Purpose and Intent
15.304.020	Criteria
15.304.030	Legal Lot Determination Procedure

Summary: The lot of record procedure is from the Model Code and is per state statute. Local jurisdictions may adopt local procedures for lot of record determinations, provided they are not in conflict with ORS 92.010 to 92.190.

15.304.010 Purpose and Intent

The purpose of Chapter 15.304 is to establish criteria and a process for determining when a lot of record exists for the purpose of allowing a use or development on a non-conforming lot (e.g., substandard lot that does not meet lot area, setback, or coverage regulations). The owner of a lot of record shall not be denied development of one single-family dwelling per lot of record, provided applicable building codes are met. The City shall accept a legal lot determination as sufficient evidence of a hardship for purposes of approving a variance under Chapter 15.320.

15.304.020 Criteria

A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.010 through 92.190:

- A. The plot of land was lawfully created through a subdivision or partition plat in Deschutes County prior to annexation to the City of La Pine.
- B. The plot of land was created through a deed or land sales contract recorded with Deschutes County before the City or County, as applicable, adopted planning, zoning, subdivision or partition regulations.
- C. The plot of land was created through a deed or land sales contract recorded with Deschutes County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision, or partition regulations in effect at the time it was created.

15.304.030 Legal Lot Determination Procedure

The Planning Official, through a Type II procedure, shall process requests to validate a lot of record, pursuant to ORS 92.010 to 92.190.

Chapter 15.308 Zoning Checklist, Certificate of Use and Occupancy

Section

15.308.010	Applicability
15.308.030	Procedure Type
15.308.030	Submittal Requirements for zoning permits and certificates of use and occupancy
15.308.040	Approval Criteria

Summary: This Chapter includes language from the City’s current Zoning Ordinance (in italics) with updates as follows:

- The requirements for a Zoning Permit have been simplified. The new Zoning Checklist requires a Type I review (over-the counter) rather than land use review. This should significantly shorten the process and reduce the amount of staff work involved. The Zoning Checklist can be done using the Building Permit application with no separate application required.
- Certificates of use and occupancy will be subject to Type I Review.

15.308.010 Applicability

A. *When zoning checklist is required.* A zoning checklist shall be required for any of the following (except where otherwise indicated in this Code):

1. *Commencing a principal use on a vacant lot, in a shell building not approved for a specific use, or on a site or in a building that has not been put towards any specific use in the past 5 years.*
2. *Changing of a principal use.*
3. *Construction, erection, enlargement, reconstruction, or structural alteration of any single-family dwelling including placement of a mobile or manufactured home on a property.*
4. *Notwithstanding the foregoing, the Planning Official may require Site Plan Approval if they determine that the proposal would require a greater number of parking spaces than presently provided on the site, require an upgrade in water or sewer infrastructure to serve the proposed use, or would require a new point of access.*

B. *When a certificate of use and occupancy is required.* It shall be unlawful to use and/or occupy any building, other structure, and/or land until a certificate of use and occupancy for such building, other structure and/or land has been issued by the City. The purpose of the certificate is to confirm that the work or development described in applicable land use approvals has been completed in compliance with this ordinance. The application for issuance of a certificate of use and occupancy may be issued at any time after the applicant has obtained all applicable land use approvals.

15.308.030 Procedure Type

A. Zoning checklists are subject to Type I Review in accordance with the procedures in Article 7.

- B.** Certificates of use and occupancy are subject to Type I Review in accordance with the procedures in Article 7.

15.308.030 Submittal Requirements for zoning checklists and certificates of use and occupancy

- A. Forms of application.** *The application for a zoning checklist and a certificate of use and occupancy shall be submitted in such form as the City may prescribe and shall be accompanied by the applicable fee. In the case of a zoning checklist, the Planning Official may determine that the building permit application provides sufficient information.*
- B. Site plan diagram.** *All applications shall be accompanied by a site plan diagram. The site plan shall be drawn to a suitable scale and shall clearly and accurately show property lines, dimensions of buildings and lots, both existing and proposed, abutting streets and sidewalks, proposed uses of buildings and lots, north arrow and scale, and any other information which the City may require to make a decision. One copy shall be returned to the applicant indicating approval or disapproval; one copy shall be retained by the City.*
- C. Additional application requirements for uses specified.** *An application for a use specified shall be accompanied by additional information and drawings as appropriate to demonstrate how the proposed use and the design of that use will comply with the applicable conditions, criteria, and standards specified in this Code and/or applicable land use approvals. If such use is a conditional use, further information and drawings may be required by the City to address compliance with any other conditions imposed by the City.*

15.308.040 Approval Criteria

- A.** *The following are the applicable criteria for a zoning checklist:*
- 1. The proposed use is a principal use or conditional use in the zone in which the site is located. If the proposed use is a conditional use, a conditional use application has been submitted and approved by the City.*
 - 2. The site provides the required number of bicycle and vehicle parking.*
 - 3. The proposal complies with any specific criteria applicable to the proposed use.*
 - 4. The proposal does not violate applicable set back or lot coverage requirements.*
 - 5. The proposal complies with any applicable conditions of approval in prior land use decisions concerning the site.*
- B.** *Certificates of use and occupancy shall be evaluated for compliance with the zoning checklist or other land use approvals authorizing the use, construction, or alteration of the site and/or building.*

Chapter 15.312 Site Plan Review

Section

15.312.010	Purpose
15.312.020	Applicability
15.312.030	Procedure Type
15.312.040	Submittal Requirements
15.312.050	Approval Criteria – Non-Residential
15.312.060	Approval Criteria – Residential
15.312.070	Conditions of Approval
15.312.080	Revisions of Plans
15.312.090	Performance Assurance

Summary: This Chapter includes language from the City’s current Zoning Ordinance with updates as follows:

- Site Plan Reviews will be reviewed as a Type II (staff decision), but like all Type IIs they can be elevated to the Planning Commission.
- Duplexes and accessory dwelling units will also be exempt from Site Plan Review – currently only single-family houses are exempt.
- The number of copies required isn’t listed in the Code, but will be specified on the application form.
- The submittal requirements have been clarified in some cases and a requirement for a trip generation letter by a professional engineer has been added.
- The current approval criteria are too discretionary to apply to housing. We’ve created a new set of clear and objective criteria for residential and non-residential development. The current discretionary approval criteria will only apply to non-residential development.

15.312.010 Purpose

- A.** *The purpose of the site plan review provisions of this section is to ensure that development within the city complies with standards and limitations set forth within the applicable zone, by other city standards and requirements and by applicable county, state and federal regulations.*
- B.** *This broad purpose is furthered by the following specific purposes of site plan review.*
- 1. To implement the goals and policies of the Comprehensive Plan.*
 - 2. To foster development that is designed, arranged and constructed in a manner that provides a safe, efficient and aesthetically pleasing community asset.*
 - 3. To encourage originality and creativity in site design, architecture and landscape design.*
 - 4. To ensure that the arrangement of all functions, uses and improvements of a development reflect the natural amenities, capabilities and limitations of its site and adjacent areas.*
 - 5. To encourage development where the various structures, use areas and site elements are integrated in a manner that is visually harmonious within the development and the surrounding area.*

6. *To encourage development and landscape design that complements the natural landscape and setting, improves the general appearance of the community and enhances specific elements of the manmade environment, both presently and historically.*

15.312.020 Applicability

The following uses and development shall be subject to the provisions of this section.

- A. *All new construction or new development except for: single-family residences (including manufactured dwellings, mobile homes, modular homes), duplexes, accessory dwelling units and related accessory structures unless provided otherwise in this chapter.*
- B. *An exterior alteration or modification to an existing nonresidential use or structure, which is subject to site plan review and/or is subject to regulation under the provisions of this chapter, except for painting, replacement of roofing and siding, and other normal maintenance and upkeep requirements which are not subject to regulation under the provisions of this chapter or any other applicable city, county, state and/or federal regulations.*
- C. *Any alteration or modification of site improvements, such as the landscaping, parking and/or loading facilities and areas, in conjunction with an existing nonresidential use which is subject to site plan review and/or is subject to regulation under the provisions of this chapter.*

15.312.025 Site Plan approval required

Site Plan review and approval, as specified by this section, shall be required prior to the following.

- A. *Site clearance activities such as grading, excavation or filling for any use or development requiring a permit pursuant to this Code.*
- B. *The issuance of a building or development permit for any use or development requiring city approval pursuant to this Code.*

15.312.030 Procedure Type

- A. *Site Plan Review applications are subject to Type II Review in accordance with the procedures in Article 7.*
- B. ***Pre-application conference.*** *Prior to applying for site plan approval, applicants should and may meet with the city Planning Official, Building Official and Public Works Director, or designees thereof, and present a preliminary plan which shall contain, in an approximate manner, the information required on a design review plan application.*
 1. *The purpose of the preliminary site plan review is to enable the applicant to obtain advice from the city as to the intent, standards, criteria and provisions of this section, this chapter, other city ordinances, standards and regulations, and state and federal rules and regulations which may be pertinent to the proposal.*

2. *Information presented for preliminary discussion shall be considered confidential if so requested by the applicant.*

15.312.040 Submittal Requirements

A property owner or authorized representative thereof may initiate a request for site plan review by filing an application with the city using forms prescribed by the city together with the required filing fee in accordance with the Type II application requirements in Article 7. In addition to the information required for a Type II review (see Article 7), the applicant shall submit that which is listed below.

A. Requirements for information to be submitted. *Information provided on the site plan shall conform to the following. The number of copies required shall be as specified on the application form.*

1. *Drawings depicting the proposal shall be presented on sheets not larger than 24 inches by 36 inches in the number of copies directed by the city.*
2. *To facilitate public reviews and notice, at least one copy of the proposal shall be provided on a sheet of paper not larger than 11 inches by 17 inches.*
3. *Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned and shall include a north arrow and scale.*
4. *The city may require that the drawing, development plan or other information be provided to the city on computer disk in a format adaptable to the city's computer systems.*

B. Site analysis diagram. *If required by the reviewing authority, this element of the site plan, which may be in schematic or free hand form to scale, shall indicate the following site characteristics.*

1. *Location and species of existing trees greater than six inches in diameter when measured four feet above the natural grade, and an indication of which trees are proposed to be removed.*
2. *On sites that contain steep slopes, potential geological hazard or unique natural features that may affect the proposed development, the city may require contours mapped at two-foot intervals.*
3. *Natural drainage ways, depths of any ground water tables less than 12 feet, any areas of surface water accumulations and any other significant natural features.*
4. *The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site, and all buildings, retaining walls, and other manmade features, both existing and proposed.*
5. *Natural features, including trees, riparian habitat and stream channels and structures on-site or on adjoining properties that have or may have a visual or other significant relationship with the site and the proposed development thereon.*

C. Site photographs. *Photographs depicting the site and its relationship to adjoining sites and the general area are extremely valuable, should be provided, and may be required by the reviewing authority.*

D. Site development plan. *The site plan shall indicate the following.*

1. *Legal description of the property.*
2. *Boundary dimensions and site area.*
3. *Location and sizes of existing and proposed utilities, including water lines, sewer lines, hydrants, etc.*
4. *Location of all existing and proposed structures, including distances from the property lines.*
5. *Area of the site to be covered by structures, existing and proposed, and the percentage of site coverage thereby.*
6. *All external dimensions of existing and proposed buildings and structures.*
7. *Location of building entrances and exits.*
8. *Access drives, parking and circulation areas, including their dimensions.*
9. *Service areas and delivery circulation plan for such uses as the loading and delivery of goods.*
10. *Locations, descriptions and dimensions of easements as may be applicable.*
11. *Grading and drainage plans and calculations, including spot elevations and contours at intervals close enough to convey their meaning.*
12. *Location of areas to be landscaped, including designated landscape materials/plants types and sizes.*
13. *Outdoor recreation and/or play areas.*
14. *Pedestrian and bicycle circulation, including existing and proposed onsite and offsite sidewalks.*
15. *Location of mechanical equipment not enclosed within a building, garbage disposal areas, utility appurtenances and similar structures.*
16. *Exterior lighting and fencing.*
17. *Location, size and method of illumination of signs.*
18. *Provisions for handicapped persons.*
19. *Other site elements which will assist in the evaluation of site development.*
20. *Location, names, surface and right-of-way widths and improvement standards of all existing and proposed streets within or adjacent to the proposed development.*
21. *Information necessary to demonstrate compliance with Fire Code including, but not limited to, fire flow, apparatus access, and hydrant spacing.*

E. Accompanying written summary. *In addition to the foregoing site development plan requirements, a written summary of the proposal should be provided and may be required showing the following, (unless such is shown on the site development plan).*

1. *Commercial and nonresidential development. For commercial and nonresidential development:*

- a. The square footage contained in the site area to be developed.*
- b. The percentage of the area to be covered by structures when developed.*
- c. The percentage of the area to be covered by parking areas and the total number of parking spaces.*
- d. The total square footage of all landscaped areas, including the percentage consisting of natural materials and the percentage of hard surfaced areas such as courtyards.*
- e. Trip generation letter, signed by a professional engineer registered by the State of Oregon (unless waived by the Planning Official). A Traffic Impact Analysis may be required in accordance with Section XX.*

2. *Residential development. For residential development:*

- a. The total square footage of the lot or parcel and in the structures in the development.*
- b. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, for example, ten one-bedroom, 25 two-bedroom and the like).*
- c. Percentage of lot coverage by structures, way areas, recreation areas and landscaping.*
- e. Trip generation letter, signed by a professional engineer registered by the State of Oregon (unless waived by the Planning Official). A Traffic Impact Analysis may be required in accordance with Section XX.*

F. Landscape plan. *If required by the reviewing authority, a landscape plan shall be submitted and shall indicate the following.*

- 1. The size, species and locations of plant materials to be retained or placed on site.*
- 2. The layout of irrigation facilities.*
- 3. Location and design details of walkways, plazas, courtyards and similar areas.*
- 4. Location, type and intensity of outdoor lighting.*
- 5. Location and design details of proposed fencing, retaining walls and trash collection areas.*
- 6. Other information as deemed appropriate by the reviewing authority. An arborist's report may be required for sites with mature trees that are to be retained and protected.*

G. Architectural drawings. *This element of the site plan review, if required by the reviewing authority, shall indicate the following.*

1. *A plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions and the relationship of the spaces to decks, porches, balconies and stairs or other features shown on the building elevations. The floor plans shall be provided for all building floors and shall include appropriate dimensions.*
 2. *Exterior elevations showing building heights, windows, doors, exterior light fixtures, stairways, balconies, decks and other architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations.*
 3. *Location and type of exterior light fixtures, including the lamp types and the levels of illumination that they provide.*
 4. *Location, size and method of illumination of all exterior signs.*
- H. Property survey.** *A survey of the property by a licensed land surveyor may be required, and if required the survey shall clearly delineate property boundaries, and show the location of the corners of proposed buildings and other significant features proposed for the site. The requirement for a survey of the exterior boundaries of a site may be waived where it is found that there is a recent survey that can be used to clearly establish the applicant's property boundaries.*
- I. Deed restrictions.** Copies of all existing and proposed restrictions or covenants, including those for roadway access control.
- J. Narrative.** *A written narrative addressing the applicable criteria listed 15.312.050 for non-residential development or 15.312.060 for residential development or the residential component of a mixed-use development.*
- K. Other information** determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

15.312.050 Approval Criteria – All Residential and Non-Residential

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

A. Statement of intent.

1. *The site plan review criteria are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.*
2. These criteria provide a clear and objective means of evaluating residential development (and the residential components of a mixed use development) in accordance with ORS 197.

3. *The reviewing authority is not authorized as a part of the design review process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this chapter.*

B. Site Plan Evaluation Criteria. The following criteria shall be used in evaluating all site development plans.

1. The application is complete, in accordance with Section XX (Article 7);
2. The application complies with all of the applicable provisions of the underlying Zoning District in Article 3, including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards;
3. The application complies with the provisions of the any applicable Overlay Zones in Article 4;
4. The proposal complies with all of the Development and Design Standards of Article 5, as applicable;
5. The application complies with all applicable Special Use standards in Article 6;
6. Adequate public facilities and utilities are available or can be made prior to occupancy to serve the proposed development;
7. Metal shipping containers shall not be placed on site, with the exception of storage uses within the Industrial zone.
8. The proposed Site Plan conforms to the standards within the adopted La Pine Transportation System Plan (TSP), as may be amended from time to time, unless other design standards are specifically approved by the City.
9. The proposed Site Plan conforms to the La Pine sewer and water standards, as may be amended from time to time, unless other design standards are specifically approved by the City. All sewer improvements must comply with Oregon Administrative Rules Chapter 340 Division 52 requirements, including Appendix A - Sewer Pipelines.
10. The proposed Site Plan conforms to the Central Oregon Stormwater Manual (COSM), as may be amended from time to time, unless other design standards are specifically approved by the City.
11. All utilities shall be installed underground, unless otherwise specifically approved by the City.
12. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

Note: Compliance with other City codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

15.312.060 Additional Approval Criteria – Non-Residential Development

In addition to the approval criteria in Section 15.312.050, *to ensure that the stated purposes of the site plan review process are met, the reviewing authority shall also be governed by the criteria below as they evaluate and render a decision on a non-residential development proposal.*

A. Statement of intent.

- 1. The site plan review criteria for non-residential development are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.*
- 2. These criteria are not intended to be inflexible requirements, nor are they intended to discourage creativity. The specification of one or more architectural styles is not intended by these criteria.*
- 3. The reviewing authority is not authorized as a part of the design review process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this chapter.*

B. Site Plan evaluation criteria. In addition to the approval criteria in Section 15.312.050, the following criteria shall be used in evaluating non-residential site development plans.

- 1. The arrangement of all functions, uses and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites.*
- 2. In terms of setback from streets or sidewalks, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures.*
- 3. The design incorporates existing features, such as streams, rocks, slopes, vegetation and the like, as part of the overall design.*
- 4. Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscape/open space in order to create a pedestrian/bike pathway and/or open system that connects several properties or uses.*
- 5. The arrangement of the improvements on the site do not unreasonably degrade the scenic values of the community and the surrounding area in particular.*
- 6. Where appropriate, the design includes a parking and circulation system that encourages a pedestrian and/or bicycle rather than vehicular orientation, including a separate service area for delivery of goods.*
- 7. The design gives attention to the placement of storage, mechanical equipment, utilities or waste collection facilities so as to screen such from view, both from within and from outside the site.*

C. Landscape design evaluation criteria. The following criteria shall be used in evaluating landscape plans.

- 1. The overall design substantially complements the natural environment of the city and the character of the site and the surrounding area.*
- 2. The design acknowledges the growing conditions for this climatic zone, and the unique requirements that its specific site location makes upon plant selection.*
- 3. Provision has been made for the survival and continuous maintenance of the landscape and its vegetation.*

4. *The design contributes to the stabilization of slopes and the protection of other natural features and resources where applicable.*

15.312.070 Conditions of Approval

In addition to the standards and conditions set forth in a specific zone, (if found to be necessary and supported with adequate findings) additional conditions may be imposed by the City which are found to be necessary to avoid a detrimental impact on adjoining properties, the general area or the city as a whole, and to otherwise protect the general welfare and interests of the surrounding area. The conditions may include, but are not limited to, the following.

- A. *Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restrictions to minimize environmental impacts such as noise, vibration, air or water pollution, glare and odor.*
- B. *Establishing a special setback or other open space requirements, and increasing the required lot size or other dimensional standards.*
- C. *Limiting the height, size or location of a building or other structure or use.*
- D. *Increasing street width and/or requiring improvements to public streets and other public facilities serving the proposed use, even including those off-site but necessary to serve the subject proposal.*
- E. *Designating the size, number, improvements, location and nature of vehicle access points and routes, and requiring pedestrian and/or bicycle ways.*
- F. *Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor or security lighting, and the intensity and/or direction thereof.*
- G. *Requiring screening, fencing or other improvements or facilities deemed necessary to protect adjacent or nearby properties, and establishing requirements or standards for the installation and maintenance thereof.*
- H. *Protecting and preserving existing trees, other vegetation and water, scenic, historic, archaeological, unique, landmark or other natural or manmade significant resources.*

15.312.080 Revision of Plans

Construction documents (that is, plans, drawings and specifications) shall conform to all aspects of the approved design review plan. Where circumstances, unknown or unforeseen at the time the plans are approved, make it undesirable or unfeasible to comply with some particular aspect of the approved plan, the applicant shall request in writing that the city review needed and/or proposed modifications. The reviewing authority that originally approved the plans shall review the proposed modifications to determine whether they constitute a major or minor revision of the approved plans.

A. Major modifications.

1. *Major modifications are those which result in a significant change in the initial plans. The following are examples of major modifications: changes in the siting of a building; modification of areas to be*

landscaped; and modifications to a plan element that was the subject of a design reviewing authority condition of approval.

- 2. If the reviewing authority determines that the proposed change is a major modification, the proposed alteration shall be reviewed and processed in the same manner as the original application and as a new application, however the fee shall only be 50% of the original application fee.*

B. Minor modifications.

- 1. Minor modifications are those which result in an insignificant change in the initial plans. Examples are: limited dimensional or locational changes to building elements such as doors; changes in building materials where only a limited area is affected; and substitution of landscape materials which do not affect the overall landscape design.*
- 2. If the city determines that the proposed change is a minor modification, the reviewing authority may proceed with the review of the plans; however, if the reviewing authority is different than the original reviewing authority, the original reviewing authority shall be notified of the proposed change and given an opportunity to comment relative thereto prior to final approval of such change.*

15.312.090 Performance Assurance

- A. Landscaping and other site improvements required pursuant to an approved design review plan shall be installed prior to the issuance of a certificate of occupancy or final inspection, unless the property-owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.*
 - B. In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the City. Acceptable performance assurances shall be in compliance with the provisions of this chapter or as otherwise approved by the City.*
- #C. Performance Guarantee Required for Infrastructure Improvements.** The City at its discretion may allow a developer to delay installation of required public infrastructure improvements provided such infrastructure improvements must be complete and accepted by the city prior to the issuance of a certificate of occupancy, and provided that the applicant has an acceptable assurance for said improvements. The applicant shall provide a bond issued by a surety authorized to do business in the state of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City.

Chapter 15.316 Conditional Uses

Section

15.316.010	Applicability
15.316.020	Procedure Type
15.316.030	Submittal Requirements
15.316.040	Approval Criteria
15.316.050	Permit and Improvements Assurance

Summary: This Chapter includes language from the City’s current Zoning Ordinance with updates as follows:

- Conditional uses will be reviewed as a Type II (staff decision), but like all Type IIs they can be elevated to the Planning Commission.
- The submittal requirements have been clarified, although in many cases a Site Plan Review application will be required in conjunction with the Conditional Use application

15.316.010 Applicability

Conditional uses may be permitted, enlarged or otherwise altered when authorized in accordance with the standards and procedures set forth in this ordinance. In the case of a use listed as conditional existing prior to the effective date of this ordinance, a change in use, enlargement or alteration of such use shall conform with the provisions of a conditional use if so classified. Any new or transferred owner or assign is required to abide by the authorized permit. An application for a conditional use may be approved, modified, approved with conditions or denied by the City.

15.316.020 Procedure Type

Applications for Conditional Use approval are subject to Type II Review in accordance with the procedures in Article 7.

15.316.030 Submittal Requirements

Applications for Conditional Use approval shall include the materials required for a Type II review as specified in Article 7 as well as a site analysis diagram (see 15.312.040(B) and a site development plan (see 15.312.040(D)). An application for a Conditional Use Permit shall also contain a narrative report or letter responding to the applicable approval criteria in Section 15.316.040. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal’s conformance with this Code.

15.316.040 Approval Criteria

In determining whether or not a conditional use proposal shall be approved or denied, it shall be determined that the following criteria are either met or can be met through compliance with specific conditions of approval.

- A.** *The proposal is in compliance with the requirements set forth by the applicable primary zone, by any applicable combining or overlay zone, and other provisions set forth by this ordinance that are determined applicable to the subject use.*

- B. That, for a proposal requiring approvals or permits from other local, state and/or federal agencies, evidence of the approval or permit compliance is established or can be assured prior to final approval.*
- C. The proposal is in compliance with specific standards, conditions and limitations set forth for the subject use in the applicable zone, this section and this ordinance.*
- D. That no approval be granted for any use which is or expected to be found to exceed resource or public facility carrying capacities, including but not limited to: transportation water, sewer, and utility systems.*
- E. For any use which is found to require compliance with air, water, land, solid waste and/or noise pollution standards, that the compliance be a condition of approval and compliance therewith shall be a continuing condition.*

15.316.050 Permit and Improvements Assurance

An application for a conditional use permit may be required to furnish the City with a performance bond or other form of assurance in an amount equal to the estimated value of required improvements and other aspects of a proposed use as deemed necessary to guarantee development in compliance with the standards and conditions set forth in the approval of a conditional use.

Chapter 15.320. Variances

Section

15.320.010	Applicability
15.320.020	Procedure Type
15.320.030	Submittal Requirements
15.320.040	Approval Criteria (except for Riparian Variances)
15.320.050	Approval Criteria for Riparian Variances

Summary: This Chapter includes language from the City’s current Zoning Ordinance with updates as follows:

- Minor variances will be a Type II (staff decision), but all others will be reviewed as a Type III (PC decision). This is consistent with the current approach.
- Riparian variances criteria have been moved to this section from the Little Deschutes River Riparian Overlay Zone in Article 4.
- Currently Minor Variances and Variances are subject to the same approval criteria, the only difference is the level of review Type II vs. Type III. However, the City may wish to consider whether minor variances should have fewer or lesser criteria.

15.320.010 Applicability

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

15.320.020 Procedure Type

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

- C. Riparian Variance.** All riparian variance applications are subject to Type III review in accordance with the procedures in Article 7.

15.320.030 Submittal Requirements

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

15.320.040 Approval Criteria (except for Riparian Variances)

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

- A.** *That the literal application of specific provisions of the chapter would create practical difficulties for the applicant resulting in greater private expense than public benefit. However, a variance is not to be granted simply because it would afford the owner a higher profit or prevent a mere inconvenience.*
- B.** *That the condition creating the difficulty is not general throughout the surrounding area, but is unique to the applicant's site or property; therefore, the granting of the requested variance will not set a precedent for future applications.*
- C.** *That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the specific restriction or provision at the time the site was purchased. Self-created hardship also results when an owner and/or developer negligently or knowingly violates a provision of this chapter.*
- D.** *No variance shall be granted that would allow the use of property for a purpose not authorized within the zone in which the proposed use or development is located.*
- E.** *In granting a variance, conditions may be attached that are found necessary to protect the best interests of the adjoining or surrounding properties or the vicinity, and to otherwise achieve the purposes of this chapter, the specific applicable zone and the objectives and policies of the City's Comprehensive Plan.*

15.320.050 Approval Criteria for Riparian Variances

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

- A. The proposed development represents a reasonable and legal use of the lot or parcel, considering the zoning;*
- B. Strict adherence to the applicable standards of the significant Riparian Corridor overlay would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels; and*
- C. The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.*
- D. The variance is the minimum necessary to retain a use of the property.*
- E. Granting the variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises.*
- F. The variance will be in general harmony with the intent and purpose of this Code, and will not adversely affect any officially adopted comprehensive plan provision.*

Chapter 13.324 Exceptions

Sections

15.324.010	Applicability
15.324.020	Procedure Type
15.324.030	Submittal Requirements
15.324.040	Approval Criteria
15.324.050	Conditions, guarantees and validity period

Summary: The City has used the exceptions process to address “uses” while the variance process is for lot configuration/sizing/setbacks. The Non-Conforming Use Chapter and the Historic Preservation Chapter both reference the exception process. This Chapter includes language from the City’s current Zoning Ordinance with updates as follows:

- The procedure type has been identified as a Type III which is consistent with current practice.
- In order to avoid overuse of these provisions, the City may wish to consider limiting exceptions to just those cases where the code specifically mentions it.

15.324.010 Applicability

Where authorized by this Code, *exceptions may be allowed by the City for a use or structure that may not be appropriate generally or without restriction throughout a zone but which, if controlled as to number, area, location or relation to neighborhood, would promote the public health, safety, welfare, comfort, convenience or the general welfare.*

15.324.020 Procedure Type

The City Manager shall refer all applications and accompanying materials to the Planning Commission for review and consideration consistent with Type III Review in accordance with Article 7.

15.324.030 Submittal Requirements

All applications for an exception shall be submitted to the City. A site plan may be required for an exception and it shall be submitted with the application. The application may also be accompanied by any other material or information necessary to demonstrate that the grant of an exception will be in harmony with the general intent and purpose of these zoning regulations and will not be injurious to the neighborhood or otherwise detrimental to the public interest.

15.324.040 Approval Criteria

Exceptions may be approved when all of the following conditions can be met:

- A.** *The establishment, maintenance, or operation of the exception will not be detrimental to, or endanger the public health, safety, or general welfare of the community.*
- B.** *The exception will not significantly affect the uses of other property in the immediate vicinity for the purposes already permitted.*

- C. The proposed use will not create a look of clutter, garishness, glare or creates an obnoxious noise level, or would generate any other incompatibility with surrounding neighborhood.*
- D. The use furthers the purposes of this ordinance which implements the Comprehensive Plan.*
- E. The establishment of the exception will not impede the normal and orderly development and improvement of the surrounding property.*
- F. Adequate facilities, access roads, drainage and/or necessary services will be provided.*
- G. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.*
- H. If the exception involves a public use or a use providing public utility service, that such use or service shall meet a demonstrable public need and provide a public benefit.*
- I. Lot area, lot width and setbacks meet or exceed minimum requirements and are adequate for the proposed use. When there is an existing nonconforming structure, this provision may be waived by the City.*

15.324.050 Conditions, guarantees and validity period

- A. Prior to the granting of any exception, the City may place conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation of the exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in paragraph 5(a). In all cases in which exceptions are subject to conditions, the City may require evidence and guarantees as it may deem necessary (as proof that the stipulated conditions are being and will be complied with).*
- B. Exceptions shall expire if the use is discontinued for a period of eight (8) months. If a building permit is required, and has not been obtained within twelve (12) months of the issuance of the exception permit, the applicant must request in writing and the Planning Commission may approve an extension if it finds there is no significant change to warrant a new special use permit application.*
- C. Exceptions shall become effective upon approval by the City. A record of the exception shall be kept in the City's files.*
- D. Failure to comply with all provisions or conditions placed on an exception permit shall render the permit void and require reapplication or in some cases be deemed a violation of the zoning code and enforceable under the provisions of this ordinance.*
- E. Any requested changes to an exception shall be reviewed in the same manner as the original request. In some cases, such changes may require a determination of a more appropriate process such as Variance or Similar Use authorization.*

Chapter 15.328 Code Interpretations

Sections

15.328.010 Code Interpretations

Summary: This Chapter is from the Model Code. It provides a procedure for responding to requests for written code interpretations. The City should keep written records of the code interpretations. Even informal interpretations made by staff in the course of answering questions from builders or business owners, should be noted, so that the City, through periodic code maintenance or housekeeping updates, can continually improve the code. This Chapter would replace the existing Zoning Ordinance provisions related to Similar Uses, which are somewhat more restrictive.

15.328.010 Code Interpretations

Some terms or phrases within this Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

- A. Authorization of Similar Uses.** Where a proposed use is not specifically identified by this Code, or the Code is unclear as to whether the use is allowed in a particular zone, the Planning Official may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the Code accordingly. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the Planning Official finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of City officials shall be processed following the Type II procedure of Article 7. The Planning Official may refer a request for a similar use determination to the Planning Commission for its review and decision.
- B. Code Interpretation Procedure.** Requests for code interpretations, including, but not limited to, similar use determinations, shall be made in writing to the Planning Official and shall be processed as follows:
1. The Planning Official, within 14 days of the inquiry, shall advise the person making the inquiry in writing as to whether the City will make a formal interpretation.
 2. Where an interpretation does not involve the exercise of discretion, the Planning Official shall advise the person making the inquiry of his or her decision within a reasonable timeframe and without public notice.
 3. Where an interpretation requires discretion, the Planning Official shall inform the person making the request that an application for code interpretation is required and advise the applicant on how to make the request. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request, and, as required, a City fee. The Planning Official then shall review relevant background information, including, but not limited to, other relevant Code sections and previous City land use decisions, and follow the Type II review and decision-making procedures in Article 7.
- D. Written Interpretation.** Following the close of the public comment period on an application for a code interpretation, the Planning Official shall mail or deliver the City's decision in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who

provided public testimony on the application. The decision shall become effective when the appeal period for the decision expires.

- E. Referral to City Council.** Where a code interpretation may have significant citywide policy implications, the Planning Official may bypass the procedure in subsection B and refer the request directly to the City Council for its legislative review in a public hearing. Such public hearings shall be conducted following Type IV procedure in Article 7.
- F. Interpretations on File.** The City shall keep on file a record of its code interpretations.

Chapter 15.330 Street Vacations

Sections

15.330.010	Procedures
15.330.020	Plat Must Be Filed
15.330.030	Approval Criteria for Vacating Streets
15.330.040	Preliminary Consideration of Petition
15.330.050	Fees
15.330.060	Bond or Cash Deposit
15.330.070	Consent to Vacation for City as Owner
15.330.080	Vacation on Council's Own Motion; Notification

Summary: These street vacation procedures are from the cities of Portland and Bend. They are consistent with ORS chapter 271 (Vacations). La Pine could just rely on the ORS however, the proposed code language also provides approval criteria and cost allocation requirements that aren't covered by the statute. These requirements should be reviewed by the City Attorney prior to adoption. Some options to consider:

- Portland requires that the Planning Commission consider petitions for street vacations before they go to City Council, Bend just takes them straight to City Council
- Portland requires the Mayor to sign consent to the vacation as an owner for the purpose of Council jurisdiction and consideration. Bend allows the City Manager to sign.

15.330.010 Procedures

In addition to the procedures outlined in this chapter, the provisions applicable to a vacation, set forth in ORS 271, shall apply to each vacation. Alternative procedures therein allowed may be followed.

- A.** Any person may file a petition with the City Recorder for vacation of any property dedicated to or owned by the public. The petition must include a description of the property proposed to be vacated, the purpose for which the vacated property ground is proposed to be used and the reason for the vacation.
- B.** The person petitioning to vacate a public right-of-way shall deposit with the City the amount set by Council resolution for the cost of publishing and posting notices of the proposed vacation and other expenses. If the actual cost exceeds the amount of the deposit, the petitioner shall pay the deficiency before the vacation is completed. If the actual costs are less than the amount deposited, the excess shall be refunded.
- C.** The petition shall contain the information required by State law, and:
 1. A title report showing ownership of the property abutting the area proposed to be vacated and in the affected area; and
 2. A tax map showing the area proposed to be vacated and the affected area.

15.330.020 Plat Must Be Filed

No vacation of a street, public place or plat shall become effective until the ordinance providing for the vacation and a plat, as provided by law, has been filed in the office of the County Clerk of Deschutes County. The cost of the filing and the preparation of the plat shall be paid by the person petitioning for the vacation.

15.330.030 Approval Criteria for Vacating Streets

- A.** In considering whether the vacation will prejudice the public interest, the Council will consider the following factors, as relevant:
1. The area proposed to be vacated is not needed presently, and is not identified in any adopted plan, for public services or amenities, transportation functions, utility functions, stormwater functions, tree planting/retention, pedestrian amenities, or community or commercial uses.
 2. The vacation does not prevent the extension of, or the retention of public services or amenities, transportation functions, utility functions, and stormwater functions.
 3. Public services, transportation functions, or utilities can be extended in an orderly and efficient manner in an alternate location or through an easement within the subject property;
 4. The vacation does not impede the future best use, development of, or access to abutting property;
 5. The area of the vacation is not presently, or will not in the future be, needed as part of an interconnected system of public streets that is generally consistent with the street connection and bicycle/pedestrian spacing requirements in this Code and the La Pine Transportation System Plan.
- B.** When approving, or approving in part, a petition to vacate a street the Council may make reservations or conditions. Reservations or conditions may pertain to:
1. The maintenance and use of underground public utilities or service facilities in the portion vacated;
 2. Limitations on use of the area above and adjacent to underground utilities or service facilities;
 3. Moving at petitioner's expense the utility or service facilities either below, on or above the surface;
 4. Construction, extension or relocation of sidewalks and curbs, multi-use paths, trails, or other similar pedestrian or bicycle facilities;
 5. Grading or pavement extensions;
 6. Dedication for street use or other area in lieu of the area to be vacated;
 7. Replat; and
 8. Any other matter of like or different nature relating to the vacated area and remaining or relocated street area adjacent to petitioner's property, or area dedicated in lieu of the vacation area.

15.330.040 Preliminary Consideration of Petition

- A.** Pursuant to ORS 271.080 through 271.100, when a petition for the vacation of a street or public place is presented to the City, the City Manager or other City designee shall review the petition as provided by the statutes and shall submit the petition to the other City departments for review. The City Manager shall place the matter on the Council agenda for initial consideration. The City Manager may include a recommendation as to whether the Council should reject or deny the petition. If the recommendation is to reject the petition, notice to the petitioner shall be provided prior to Council's consideration of the matter. On initial consideration, the Council may accept the petition and require staff to process the petition, or reject the petition without consideration. Rejection may occur only after notice to the petitioner.
- B.** If Council accepts the petition, it shall be reviewed by City staff for a determination of whether payment is appropriate to service the public interest and, if so, the amount of the payment. Staff shall notify all affected public utility companies of the petition. Any responses from the utility companies shall be included in the materials provided to Council at or prior to the hearing.

15.330.050 Hearing Required

- A.** The Council shall conduct a public hearing. At the hearing, the affected property owner(s) and any other person may present evidence regarding any aspect of the vacation. The Council may approve the vacation in whole or in part if it finds it in the public interest to do so, and must deny the vacation if it finds that the vacation is not in the public interest. Approval of a vacation is by ordinance, denial may be by resolution. Any approval may include conditions or reservations to protect the public interest.
- B.** The Council, upon hearing the petition, may grant the same in whole or in part or deny it in whole or in part, and may make reservations or conditions as appear to be in the public interest. The reservations or conditions may pertain to:
 - 1. The maintenance and use of underground public utilities or service facilities in the portion vacated;
 - 2. Limitations on use of the area above and adjacent to underground utilities or service facilities;
 - 3. Moving at petitioner's expense of utility or service facilities either below, on or above the surface;
 - 4. Construction, extension or relocation of sidewalks and curbs;
 - 5. Grading or pavement extensions;
 - 6. Dedication for street use or other area in lieu of the area to be vacated;
 - 7. Replat; and
 - 8. Any other matter of like or different nature relating to the vacated area and remaining or relocated street area adjacent to petitioner's property, or area dedicated in lieu of the vacation area.

15.330.060 Fees

- A.** Whenever a request for a petition for the vacation of a street, public place or plat, or any part thereof is presented to the City Manager, the person making the request shall pay to the City Manager a fee for preparation of the petition for vacation. The fee for this service shall be established annually by the City Manager and shall recover full costs including all applicable overhead charges.
- B.** When a completed petition is presented to the City for filing and consideration by the Council, the person presenting the petition for the vacation shall pay to the City a fee, established by the City Manager, to cover the estimated costs of processing the petition. All departments involved in processing a vacation shall keep records of the costs incurred on each individual vacation proceeding and shall submit such costs to the City Manager prior to passage of the vacating ordinance. If the actual cost of advertising and expenses, and all processing costs, including employee salaries and applicable overheads, related to the vacation exceed the fee collected, a sum sufficient to cover all such costs shall be collected before the vacation is completed, and payment thereof shall be a condition of the vacating ordinance.
- C.** If the petition is wholly denied, the City may retain from the deposit only the cost of publishing and posting.

15.330.070 Bond or Cash Deposit

- A.** When the Council is petitioned to vacate any street, public place or plat or part thereof, in which water mains, fire hydrants, police or fire alarm system, gas mains, steam heating mains, conduits, sewer mains or laterals, manhole structures, poles, wires or other utility or public service facilities are constructed and maintained, and the proposed vacation will require the removal of the utility or public service facilities or any portion of them, or if curbs or sidewalks are required to be extended or relocated, or if grading or additional paving is required, the ordinance vacating the street or part thereof may provide that the vacation shall not be effective unless the petitioner shall file with the City their acceptance of the terms and provisions of the ordinance together with a surety bond or cash deposit, in such sum as shall be fixed by the Council.
- B.** The surety bond or cash deposit shall be to the effect that, in the event the vacation is granted, the petitioner will, within 90 days or such other time as the Council may fix after the vacation ordinance is effective, remove or have removed by the owner, all or any part of the utility or public service facilities as required by the vacation ordinance and reconstruct and relay the facilities or have them reconstructed and relaid by the owner in the places as may be required by the City, and obtain other work permits as required by the ordinance in the manner directed by the City, all at the expense of the petitioner.

15.330.080 Consent to Vacation for City as Owner

Whenever City owned property abuts area of a street or plat sought to be vacated by petition, or is located within "affected area" fixed by statute, the Mayor may sign consent to the vacation as an owner for the purpose of Council jurisdiction and consideration.

15.330.090 Vacation on Council's Own Motion; Notification

Whenever the City Council shall initiate vacation proceedings on its own motion, the City shall give notice of the proposed action and hearing to all owners of real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case, not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. When a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. Whenever the Council shall initiate proceedings to vacate a plat or portion thereof, the City shall notify all property owners within such plat or part thereof proposed to be vacated of the proposed action and hearing.

The notification required by this Section shall be given not less than 28 days before the hearings on the proposed action.

15.330.100 Satisfaction of Conditions.

A vacation ordinance that contains conditions of approval shall not be effective and may not be recorded until the conditions are fully complied with.

15.330.110 Recordation.

- A. A certified copy of a vacation ordinance shall be filed for record with the County Clerk by the City Recorder after all conditions are met. The Recorder shall also provide a copy of the ordinance after it is recorded with the County Assessor, County Surveyor and each affected public utility.
- B. No vacation shall be effective until the ordinance vacating the property is recorded by the City Recorder with the County Clerk.

15.330.120 Relationship to State Law.

The provisions in this chapter are in addition to the provisions of ORS 271.080 through 271.230, but do not supersede them.

Chapter 15.332 Dedications Not Part of Development

Section:

15.332.010 Dedication of Streets Not Part of Development

Summary: This Chapter is from the City's current Land Division Ordinance. No changes have been made except to change references to "Planning Director" to "Planning Official."

15.332.010 Dedication of Streets Not Part of Development

- A. Application.** Any person desiring to create a street or road not part of a subdivision, PUD, partition or other land development shall make written application to the City Planning Department. The application shall be made on prescribed forms and shall be accompanied by the required information and applicable filing fee.
- B. Minimum Design Standards.** The minimum standards of design and improvement for the dedication of a street or road not part of a land development shall be the same as set forth in this Code for streets or roads within a land development unless approved otherwise by the city. The street or road shall also be in compliance with other applicable street standard regulations of the city, county or state.
- C. Procedures.**
1. Upon receipt of a written application, together with other required information and the appropriate filing fee, the Planning Official shall refer the proposal to the City Street Superintendent for review and recommendation. A copy of the application shall also be referred to the Planning Commission for review and recommendation at the first regularly scheduled meeting following receipt of the application; referral to the Commission shall be accomplished at least five working days prior to a meeting.
 2. Where the proposed road or street provides access to a county road and/or a state highway, the necessary permits for such access from the appropriate agency (ies) shall be obtained prior to City approval of the road or street.
 3. The Planning Commission and City Public Works Director shall report their findings to the Planning Official, and shall give their recommendations concerning the proposed dedication and the improvements. The Planning Commission shall also recommend a functional classification for the proposed street or road.
 4. Upon receipt of written findings and recommendations from the Planning Commission and Public Works Director, the Planning Official shall submit the proposal to the City Council for review and decision.
 5. Upon preliminary approval by the City Council, the engineering and improvements design of the street or roadway shall be prepared and submitted to the City Public Works Director for review and approval. The engineering and improvements design shall be prepared and signed by a licensed engineer, and shall be in compliance with applicable City standards and regulations.

6. *Following approval of the roadway engineering and design, the applicant shall prepare a warranty deed dedicating the street or road to the public and an improvement guarantee. The documents shall be submitted to the City Attorney for review and approval.*
7. *Following receipt of the approvals set forth in divisions (5) and (6) of this Section, the deed and improvements guarantee shall be submitted to the City Council for final approval.*

Chapter 15.344 Text and Map Amendments

Sections

15.334.010	Purpose
15.334.020	Applicability
15.334.030	Procedure Type
15.334.040	Criteria
15.334.050	Record of Amendments
15.334.060	Transportation Planning Rule Compliance

Summary: This Chapter is generally from the Model Code with some elements from the current Procedures Ordinance (in italics) and some from the City of Carlton’s Development Code.

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, zoning ordinances, 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 Planning Official may request the Planning Commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.

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 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. 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;
- B. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning);
- C. The City Council must find the proposal to be in the public interest with regard to community conditions; the proposal either responds to changes in the community, or it corrects a mistake or inconsistency in the subject plan or code; and
- D. The amendment must conform to Section 15.344.050 Transportation Planning Rule Compliance.
- E. For a Quasi-Judicial Zone Change the applicant must also provide evidence substantiating that the following criteria are met:
 - 1. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
 - 2. Allowed uses in the proposed zone can be established in compliance with the development requirements in this title.
 - 3. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.
 - 5. 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.

15.334.050 Record of Amendments

The City Planning Official shall maintain a record of amendments to the text of this Code and the Zoning Map in a format convenient for public use. In the case of a map amendment, the map shall be made part of the ordinance.

15.334.060 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.

Chapter 15.338 Annexation

Sections

15.338.010	Purpose
15.338.020	Applicability
15.338.030	Review Processes
15.338.040	Initiation Procedures
15.338.050	Submittal Requirements
15.338.060	Approval Criteria
15.338.070	Zone Designation of Annexed Property
15.338.080	Effective Date and Notice of Approved Annexation
15.338.090	Extraterritorial Extension and/or Connection of Water and Sewer Service

Summary: This Chapter is generally from the City of Bend's Development Code with updates to address La Pine specific issues. This section should be reviewed by the City Attorney prior to adoption.

15.338.010 Purpose

The purpose of this chapter is to establish procedures and criteria for annexation under the provisions of the Oregon Revised Statutes including, but not limited to, ORS Chapter 222. This chapter is intended to achieve orderly and efficient annexation of land to the City that will result in providing a complete range of public services and public facilities, as defined in this code, for the annexed territory and to ensure consistency with the La Pine Comprehensive Plan.

15.338.020 Applicability

Land to be annexed must be contiguous to the existing City limits.

15.338.030 Review Processes

The following general processes apply to all annexation proposals:

- A.** Annexations are reviewed using the Type III or Type IV process as determined by the City, based on a consideration of the factors for treating an application as quasi-judicial or legislative. Since annexations are a jurisdictional transfer, the City Council is the sole review authority.
- B.** City Council approval of annexations will be by ordinance.
- C.** Notice of the City Council hearing to consider the annexation proposal must follow the notification process required for the Type III or Type IV application, except a notice of the hearing must be published in a newspaper of general circulation in the City once each week for two successive weeks prior to the day of hearing, and notices of the hearing must be posted in four public places in the City for a like period.

15.338.040 Initiation Procedures

- A.** An annexation proposal for the contiguous territory proposed to be annexed may be initiated by petition in

compliance with one of the following initiation procedures:

1. All of the owners of land in the contiguous territory proposed to be annexed and not less than 50 percent of the electors, if any, residing in the territory, consent in writing to the annexation of their land in the territory and file a statement of their consent with the City;
 2. A majority of the electors registered in the contiguous territory proposed to be annexed consent in writing to the annexation and the owners of more than half of the land in that territory consent in writing to the annexation of their land and those owners and electors file a statement of their consent with the City; or
 3. More than half the owners of land in the contiguous territory proposed to be annexed, who also own more than half the land in the contiguous territory and of real property therein representing more than half the assessed value of all real property in the contiguous territory, consent in writing to the annexation of their land in the territory and file a statement of their consent with the City.
- B.** Statements of consent to annexation which are filed within any one-year period are effective and are deemed to be submitted with the petition required in subsection (A) of this section, unless a separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the City.
- C.** An annexation proposal may be initiated by City Council resolution. The Council may terminate proceedings under this section at any time.
- D.** An annexation proposal may be initiated pursuant to the State law health hazard abatement annexation process.

15.338.050 Submittal Requirements

In addition to the submittal requirements for a Type III application, the application must include:

- A.** A completed and signed annexation application packet on forms provided by the City.
- B.** A petition including the statement of consent, on City forms, completed by property owners and/or electors residing in the territory that meets the requirements of 15.338.040, Initiation Procedures.
- C.** Legal description of the territory including abutting right-of-way to be annexed and a boundary survey certified by a registered engineer or surveyor.
- D.** A map showing the territory including abutting right-of-way to be annexed and properties within 300 feet of the territory.
- E.** A narrative which addresses the approval criteria in 15.338.060.
- F.** A letter or other written documentation from the La Pine Park and Recreation District which indicates that the applicant has met with the District to discuss the proposed annexation, and provided the District an opportunity to review the annexation area for options to enhance existing parks and trails, and develop new parks and trails.

- G. A completed and signed La Pine Park and Recreation District annexation agreement, unless the property(s) to be annexed is already located within the La Pine Park and Recreation District.
- H. A letter or other written documentation from the Bend-La Pine School District which indicates that the applicant has met with the District to discuss the proposed annexation and provided the District an opportunity to review and comment on the proposed annexation.
- I. If the City has not yet amended its public facilities and transportation plans for the affected expansion area, inclusion of an applicant initiated amendment to the relevant plan(s) or other evidence that the necessary infrastructure planning under Statewide Planning Goals 11 and 12 will take place prior to or concurrently with annexation.

15.338.060 Approval Criteria

The City Council may approve, or approve with conditions, the proposed annexation application if all of the following criteria are met:

- A. The annexation proposal is consistent with the Bend Comprehensive Plan policies and plan designations applicable to the territory as determined by the Planning Official.
- B. The annexation proposal is consistent with applicable approved area plans and/or master plans.
- C. The proposal demonstrates how the annexed territory is capable of being served by public facilities and services with adequate capacity as determined by the City, including sanitary sewer collection, domestic water, transportation, schools, and parks, consistent with the City's adopted public facility plans, transportation system plan, and applicable district plans, either as provided in an applicable area or master plan or by demonstrating how such public facilities and services will be provided in an orderly, efficient and timely manner.
- D. The proposal demonstrates how public facility and service impacts, including as applicable: on- and off-site improvements, construction and modernization of existing infrastructure (water, sewer, stormwater, transportation) to City standards and specifications, and impacts to existing infrastructure inside the City's current city limits, will be adequately mitigated through an annexation agreement or other funding mechanism approved by the City Council prior to annexation. The City will use the standards and criteria of XX, Transportation Analysis, for analysis and mitigation of transportation impacts.
- E. The proposal demonstrates that approval of the annexation and zoning districts that implement the underlying La Pine Comprehensive Plan map designations is consistent with the provisions of the Transportation Planning Rule.
- F. The proposal demonstrates how rights-of-way will be improved to urban standards as determined by the City, including rights-of-way in cherry stem annexations.

15.338.070 Zone Designation of Annexed Property

The City Council shall establish the appropriate zoning, in conformance to the comprehensive plan, effective upon the effective date of the annexation of property to the city.

15.338.080 Effective Date and Notice of Approved Annexation

- A.** The effective date of an approved annexation must be set in accordance with ORS 222.040 or 222.180.
- B.** Notice of Approved Annexation.
 - 1. Not later than 10 working days after the passage of an ordinance approving an annexation, the Planning Director will:
 - a. Send by certified mail a notice to public utilities (as defined in ORS 757.005), electric cooperatives and telecommunications carriers (as defined in ORS 133.721) operating within the City.
 - b. Mail a notice of the annexation to the Secretary of State, Department of Revenue, Deschutes County Clerk, Deschutes County Assessor, affected districts, and owners and electors in the annexed territory. The notice must include:
 - i. A copy of the ordinance approving the annexation;
 - ii. A legal description and map of the annexed territory;
 - iii. The findings; and
 - iv. Each site address to be annexed as recorded on Deschutes County assessment and taxation rolls.
 - c. The notice to the Secretary of State will also include a copy of the statement of consent as required in 15.338.040, Initiation Procedures.
 - 2. If the effective date of an annexation is more than one year after the City Council passes the ordinance approving it, the Planning Director will mail a notice of the annexation to the Deschutes County Clerk not sooner than 120 days and not later than 90 days prior to the effective date of the annexation.

15.338.090 Extraterritorial Extension and/or Connection of Water and Sewer Service

The City Council may approve an extraterritorial extension and/or connection of water and sewer services consistent with the requirements of Goal 11, Public Facilities, and OAR 660-011-0060 and 660-011-0065 and may require an annexation contract. The review is a Type III process in accordance with Article III, with the City Council as the sole review authority.

ARTICLE 9 – LAND DIVISIONS

Chapters:

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

Chapter 15.402 General Provisions

Sections

15.402.010	Purpose
15.402.020	Applicability

Summary: This Chapter includes language from the City’s current Land Division Ordinance (in italics). No changes are proposed to this Chapter.

15.402.010 Purpose

It is the purpose of this subchapter, 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 subchapter, this chapter and ORS Chapters 92.012 and 277.100.

Chapter 15.406 Subdivisions and Planned Unit Developments (PUD)

Sections

- 15.406.010 Subdivision Applications
- 15.406.020 Final Plat for a Subdivision

Summary: This Chapter includes language from the City’s current Land Division Ordinance with minor updates as follows:

- References to the new procedure types in Article 7. Review of tentative Subdivision plats and PUDs will be subject to Type III review. Review of final plats will be subject to Type I.
- Where the current regulations specify the number of copies to be submitted, staff has asked that we refer to the number specified on the application form. This will make it easier to keep up-to-date, but the City may need to update its application forms to ensure that they specify the number and format of copies where necessary.
- Remove references to the Comprehensive Plan from the approval criteria. It should be sufficient for the applicant to demonstrate compliance with the standards in the LPDC.
- Clarified that up to three one-year extensions can be granted for final plats for a total of three years.

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 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.
1. The maps which are part of an outline development plan may be in schematic form, but shall be to scale and shall contain the following information.
 - a. The existing topographic character of the land.
 - b. Existing and proposed land uses, and the approximate location of buildings and other structures on the project site and adjoining lands, existing and proposed.
 - c. The character and approximate density of the proposed development.
 - d. Public uses including schools, parks, playgrounds and other public spaces or facilities proposed.
 - e. Common open spaces and recreation facilities and a description of the proposed uses thereof.
 - f. Landscaping, irrigation and drainage plans.

- g. Road, street and other transportation facility schematic plans and proposals.*
- 2. *Written statements which shall be part of the outline development plan submittal shall contain the following information.*
 - a. A statement and description of all proposed on-site and off-site improvements.*
 - b. A general schedule of development and improvements.*
 - c. A statement setting forth proposed types of housing and other uses to be accommodated, and a projection of traffic generation and population.*
 - d. A statement relative to the impact on the carrying capacities of public facilities and services, including water and sewer systems, schools, serving utilities, streets and the like.*
 - e. A statement relative to compatibility with adjoining land uses, present and future, environmental protection and/or preservation measures and impacts on natural resource carrying capacities of the site and surrounding/adjacent areas.*
- 3. *Approval of an outline development plan for a subdivision shall constitute only a conceptual approval of the proposed development for general compliance with the city's Urban Area Comprehensive Plan, applicable zoning and this chapter.*
- 4. *Review and action on an outline development plan shall follow the requirements for review of Type III land use action procedures, hearings and decisions in Article 7 as may be applicable.*
- 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 City 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.*

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.*

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.*
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.*

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.*

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.*

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

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.*
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 with corresponding approved financing therefore to bring the facilities and services up to an acceptable capacity level.*
5. *The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this chapter and the Comprehensive Plan.*
6. *The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a six mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (ORS 92.090)*
7. *The streets and roads are laid out so as to conform to an adopted Transportation System Plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.*
8. *Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.*
9. *Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.*
10. *Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.*
11. *Provisions of the proposed development provide for a range of housing needs, particularly those types identified as needed or being in demand.*

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.*
 - b. *Final plats shall be subject to the Type I review procedure in Article 7. If the subdivider fails to file the final plat before the expiration of the two-year period, the tentative plan approval shall be*

declared null and void and a new submittal required if the subdivider wishes to proceed with the development, unless an extension is granted by the City.

2. *Master development plan. In the case of a subdivision for which a master development plan has been approved, the tentative plans for each unit or phase thereof shall be submitted in accordance with the phasing schedule approved as a part of the master plan.*
3. *Extension. An extension of one year to the filing time for a final plat may be approved by the City upon evidence being submitted by the developer that the extension is necessary due to factors beyond the control of the developer; for example, appeals, weather and the like. Up to three extensions may be granted for a total of three years.*
4. *Form of final plat. The final plat shall be prepared in conformance with the applicable standards of ORS Ch. 92 and the requirements of the Deschutes County Surveyor and Deschutes County Clerk. A reduced copy of the final plat shall also be provided on a sheet of paper measuring, 8½ inches by 11 inches or 11 inches by 17 inches for public review requirements. The final plat data shall also be provided in an electronic format adaptive to the City's and County's computer mapping system.*

B. Requirements of survey and plat of subdivision.

1. *The survey for the plat of a subdivision shall be of such accuracy and with reference to such guidelines as required by ORS Ch. 92.*
2. *The survey and plat shall be made by a registered professional land surveyor.*
3. *The plat shall be of such scale that all survey and mathematical information, and all other details may be clearly and legibly shown thereon.*
4. *The locations and descriptions of all monuments shall be recorded upon all plats and the proper courses and distances of all boundary lines shown.*

C. Monumentation requirements. *Monumentation of all subdivisions and plats therefore shall be in compliance with the provisions of ORS Chapters. 92.060 and 92.065.*

D. Information required on final plat. *In addition to that required by the tentative plan approval or otherwise required by law, the following information shall be shown on the final plat.*

1. *All survey reference information.*
2. *Tract and lot boundary lines, and street right-of-way and centerlines, with dimensions, bearings or deflection angles. Tract boundaries and street bearings shall be to the nearest second; distances to the nearest 0.01 feet. No ditto marks are permitted.*
3. *Width of streets being dedicated. Curve data based on centerlines for streets on curvature; the radius, central angle, arc length, chord length and chord bearing shall be shown.*
4. *Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference.*

5. *Lot numbers beginning with the number "1" and numbered consecutively and without omission, in sequential order with phasing if applicable.*
6. *The initial point shall be marked with an aluminum pipe or galvanized iron pipe not less than two inches inside diameter 30 inches long before flaring with a 2½ inch minimum diameter aluminum or galvanized cap as appropriately securely attached marked with steel ties with the following information for that subdivision: initial point, subdivision name, year and land surveyor registration number.*

E. Certificates required on final plat. *The following certificates are required on the final plat.*

1. *Certificate signed and acknowledged by all parties having record title interest in the land, consenting to the preparation and recording of the plat.*
2. *Certificate signed and acknowledged as above dedicating all land intended for public use.*
3. *Certificate with the seal of and signed by the land surveyor responsible for the survey and the final plat preparation.*
4. *Certificate for the County Surveyor.*
5. *Certificate for the County Tax Collector.*
6. *Certificate for the County Assessor.*
7. *Certificates for the City Public Works Director, Director of Sewer and Water Districts, and City Planning Director or other duly designated City representative.*
8. *Other certificates required by state law or by the City.*
9. *Certificate for approval or execution by the City Council.*

F. Supplemental information with final plat. *The following data, in addition to any other data required as a part of the tentative plan approval, shall be submitted with the final plat.*

1. *A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary, and evidence of a clear and marketable title.*
2. *A copy of any deed restrictions or protective covenants applicable to the subdivision or planned unit development.*
3. *A copy of any dedication requiring separate documents such as for parks, playgrounds and the like.*
4. *A copy of any homeowner's association agreements proposed or required for the development.*
5. *For any and all improvements such as streets, sewer, water, utilities and the like that are required or proposed as a part of the tentative plan approval, the following shall be required to be submitted with the final plat, and such shall be prepared by a licensed surveyor or engineer.*
 - a. *Cross-sections of proposed streets, widths of roadways, types of surfacing, curb locations and*

specifications, width and location of sidewalks, other pedestrian ways and/or bikeways.

- b. Plans and profiles of proposed sanitary sewers, location of manholes and proposed drainage facilities.*
- c. Plans and profiles of proposed water distribution systems showing pipe sizes, location of valves and fire hydrants as applicable.*
- d. Specifications for the construction of all proposed utilities.*
- e. Proof of guaranteed access to the primary serving public street or highway.*
- f. Digital data of construction plans and as-built specifications for all improvements in a format approved by the City Engineer, Public Works Director or other duly designated City representatives, such being necessary for electronic record keeping.*

G. Technical review of final plat. *Within five working days of receipt of the final plat submittal, the City Planning Official shall initiate a technical review of the submittal as provided herein.*

- 1. Notification of the receipt of and opportunity for review thereof shall be given to the Public Works Director, City Engineer, City Attorney, utility companies and any other affected agencies.*
- 2. The parties shall complete the technical plat review and shall submit findings to the City Planning Official within ten days of the notice.*
- 3. Based on the reviews, should the Planning Official determine that full conformity has not been made, the subdivider shall be advised thereof of the needed changes or additions and shall be afforded a reasonable opportunity (not to exceed 30 days) to make the changes or additions.*
- 4. Other required procedures for processing a final plat are set forth in Section 15.414.030.*

H. Planning Division review and approval of final plat. *Within 30 days following the receipt of the final plat for any land division reviewed by the Planning Division, the Chair of the Commission, or Vice-Chair acting in place of the Chair, shall review the final plat to verify that the plat is submitted in accordance with the tentative plan approval.*

- 1. If the City Planning Official does not approve the final plat, the subdivider shall be advised of the reasons therefore, and shall be provided an opportunity to make corrections.*
- 2. If the City Planning Official approves the final plat, approval shall be indicated by the signature of the Planning Official, on the plat.*

I. Final plat approval requirements. *No final plat for a proposed subdivision shall be approved unless it is found to comply with the following minimum standards.*

- 1. The final plat is found to be in strict compliance with the tentative plan approval and all conditions set forth thereby.*
- 2. Streets and roads for public use are dedicated without any reservations or restrictions.*
- 3. Streets and roads held for private use are clearly indicated.*

4. *The plat contains a donation to the public of all common improvements and public uses proposed or required as a condition of approval of the tentative plan.*
 5. *All proposed or required improvements have either been completed and approved by the city or that a development agreement establishing timeframes and any required bond, contract or other assurance therefore has been provided for and approved by the City Planning Official or other duly designated City representative.*
- J. Recording of final plat.** *Approval of the final plat shall be null and void if the plat is not recorded within 45 days after the date of approval of the City Planning Official.*
1. *After obtaining all required approvals and signatures, the subdivider shall file the plat and an exact copy thereof in the County Clerk's office.*
 2. *No plat shall be recorded unless all ad valorem taxes and special assessments, fees or other charges required by law to be placed upon the tax rolls which have become a lien or which will become a lien during the calendar year on the subdivision have been paid.*
 3. *Copies of the recorded plat shall be provided to the City Recorder, City Planning Official, and County Surveyor at the developer's expense. The format and number of copies required shall be as specified on the application form. The County Surveyor may request an additional number of copies required at time of final plat review if deemed appropriate.*

15.406.030 Planned Unit Development (PUD).

- A. Authorization.** *When a planned unit development is authorized pursuant to the provisions of the applicable zoning or by other provisions of this chapter, the development may be approved by the city in accordance with the provisions of this section and this chapter. For the purposes of this chapter, a Planned Unit Development is a development technique where the development of an area of land is developed as a single entity for a number and/or mixture of housing types, or a mixture of other types of uses, or a combination thereof, according to a specific development plan which does not necessarily correspond relative to lot sizes, bulk or types of dwelling units, density, lot coverage's or required open space as required by the standard provisions set forth by this chapter and the specific applicable zoning designation. This may include common land under ownership and direction of an association, including private streets and associated amenities.*
- B. Applicability of regulations.** *The requirements for a planned unit development set forth in this section are in addition to the requirements set forth for a standard subdivision by Section 15.406.010, and in addition to those requirements set forth in Article 5.*
- C. Purpose.** *The purpose of the planned unit development provisions is to permit the application of innovative designs and to allow greater freedom in land development than may be possible under the strict application of the applicable zoning provisions and this chapter. In permitting such design and development freedom, the intent is to encourage more efficient uses of land and public facilities and services, to maximize community needs for a variety of housing, commercial and recreational needs and to maintain as high of a quality of living environment as reasonably possible.*

D. Principal and accessory uses.

1. *The principal uses permitted within a planned unit development may include any use permitted, outright or conditional in the zone in which the subject proposed development is located. Subsequent land use review and permitting requirements may be applicable.*
2. *Except for open land uses such as golf courses, parks, natural areas or resources and the like, accessory uses shall not occupy more than 25% of the total area of the development, must be approved as a part of the initial development approval and may include the following uses (in addition to those use listed as permitted outright or conditionally for the zone in Article 3).*
 - a. *Golf course.*
 - b. *Related commercial uses not to exceed 3% of the total land area of the development.*
 - c. *Private park, lake or waterway.*
 - d. *Tourist accommodations including convention or destination resort facilities.*
 - e. *Recreation areas, buildings, clubhouse or other facilities of a similar use or type.*
 - f. *Other uses which the City finds are designed to serve primarily the residents of the proposed development or are open to and of benefit to the general public, and are compatible to the overall design of the proposed development and with the city's Comprehensive Plan.*

E. Dimensional standards.

1. *The minimum lot area, width, depth, frontage and yard (setback) requirements otherwise applying to individual lots in the applicable zone may be altered for a planned unit development provided that the overall density factor calculated for the applicable zone is not exceeded by more than 25%.*
2. *Building heights exceeding those prescribed for by the applicable zone may only be approved if surrounding open space, building setbacks and other design features are used to avoid any adverse impacts due to the greater height. In general, and as a guideline, setback requirements should be required to be at least two-thirds of the height of a building.*
3. *The building coverage for any PUD shall not exceed 40% of the total land area of the proposed development.*
4. *Common open space and other such amenities, exclusive of streets, should constitute at least 25% of the total land area of the development.*
5. *No PUD in a residential zone may be approved on a site with a total land area less than five acres, and in a commercial zone on a site less than two acres, except as approved otherwise by the city through the land use review process.*

F. Project density approval. *If it is found that any of the following conditions would be created by an increase in density permitted by this section for a PUD, it may either prohibit any increase or may limit the increase as deemed necessary to avoid the creation of any of the following conditions.*

1. *Inconvenient or unsafe access to the proposed development or adjoining developments or properties.*

2. *Generation of traffic loads in excess of the capacity of streets which adjoin or will serve the proposed development and in the overall street system in the area of the development.*
3. *Creation of an excessive burden on sewage, water supply, parks, recreational facilities, areas or programs, schools and other public facilities which serve or are proposed to serve the proposed development.*

G. Common open space. *No open area may be accepted as common open space within a PUD unless it meets the following requirements.*

1. *The common open space is for an identified and designated amenity or recreational purpose(s), and the uses proposed or authorized therefore are appropriate to the scale and character of the proposed development.*
2. *The common open space will be suitably improved for its intended use, except that the open space containing significant natural features worthy of preservation in the natural state may be left unimproved, but there shall be approved plans and/or provisions for the continued preservation thereof.*
3. *The buildings, structures and improvements to be permitted in the open space are determined to be appropriate and accessory to the uses which are authorized for the open space.*
4. *No common open space may be put to a use not authorized and approved in the final development plan of the subject development unless an amendment thereto is duly approved by the city.*

H. Application and procedures. *The application for a PUD, and the procedures for the processing of the applications, shall be the same as set forth for a standard subdivision in Section 15.406.010 and for a conditional use as set forth in Article 8.*

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 Planning Department first advertises and holds a public hearing thereon according to applicable requirement in Article 7.*

Chapter 15.410 Land Partitions.

Sections

- 15.410.010 Applicability and Exemptions
- 15.410.020 Applications – Partitions
- 15.410.030 Decision – Partitions

Summary: This Chapter includes language from the City’s current Land Division Ordinance with minor updates as follows:

- References to the new procedure types in Article 7. Review of tentative Major Partitions will be subject to Type III review. Minor partitions will be subject to Type II. Review of final plats will be subject to Type I.
- Where the current regulations specify the number of copies to be submitted, staff has asked that we refer to the number specified on the application form. This will make it easier to keep up-to-date, but the City may need to update its application forms to ensure that they specify the number and format of copies where necessary.
- Remove references to the Comprehensive Plan from the approval criteria. It should be sufficient for the applicant to demonstrate compliance with the standards in the LPDC.

15.410.010 Applicability and Exemptions

- A. Applicability of regulations.** *All land partitions (as defined in Article 2) within the City, except as set forth in division (B) of this section, must be approved by the city as provided for in this section. Minor partitions are reviewed in accordance with the Type II procedures in Article 7 and Major partitions are reviewed in accordance with the Type III procedures in Article 7.*
- B. Exemptions.** *In addition to those exclusions set forth in the definition of “partition” in Article 2, the following land divisions shall be exempt from the land partitioning requirements set forth by this section and this chapter.*
1. *The partitioning of a tract of land in which not more than one parcel is created and the parcel is being transferred to a public or semi-public agency for the purpose of a public road, street, canal or utility right-of-way, or for public park, school, recreation facility, trail, bikeway, natural area or other similar public purpose.*
 2. *The transfer of one area of land between two adjoining ownerships where an additional parcel is not created and where no new or additional dwellings or other structures are involved, and where the existing ownership reduced in size by the transfer is not reduced below the minimum lot size of the applicable zone. A boundary line adjustment is still required however, and the requirements are set forth in Chapter 15.414.*

15.410.020 Applications - Partitions

- A. Filing procedures and requirements.** *Any person proposing a land partition, or the authorized agent or representative thereof, shall prepare and submit copies of the tentative plan for the proposed partition,*

together with the materials required for a Type II review for a minor partition or Type III review for a major partition as specified in Article 7, to the City Planning Official .

- B. *Proposed partitioning shall be drawn.*** The scale and format of the plans and the number of copies required shall be as specified on the application form.
- C. *Requirements for the plan.*** *The plan shall include the following.*
- 1. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways, properties and land use patterns.*
 - 2. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel and the names, right-of-way widths and improvement standards of existing roads.*
 - 3. Names and addresses of the land owner, the partitioner, the mortgagee if applicable, and the land surveyor employed (or to be employed) to make necessary surveys and prepare the final partitioning map.*
 - 4. A statement regarding provisions for water supply, sewage disposal, solid waste disposal, fire protection, access, utilities and the like.*
 - 5. North point, scale and date of map and the property identification by tax lot, map number, section, township and range, subdivision lot and block or other legal description.*
 - 6. Statement regarding past, present and proposed use of the parcel(s) to be created, or the use for which the parcel(s) is to be created.*

15.410.030 Decisions - Partitions

- A. *Minor partition.*** Review of a minor partition shall follow the Type II review procedures in Article 7.
- B. *Major partition.*** Review of a major partition shall follow the Type III review procedures in Article 7.
- C. *Series partition.*** *Any division of land resulting in a series partition shall be subject to review and approval by the Planning Commission. Applications for any series partition shall be made and processed in the same manner as a major partitioning. Approval requirements shall be the same as for any partition. However, the Planning Commission shall deny any such series partition when it is determined that the partitions are done for the purpose of circumventing applicable subdivision regulations.*
- D. *Final partition map procedures.*** *In addition to the procedures required for City approval of a final map for a partitioning, other required processing procedures are set forth in Chapters 15.414 and 15.418.*
- E. *Requirements for approval.*** *No partitioning shall be approved unless the following requirements are met.*
- 1. The proposal is in compliance with the applicable zoning regulations. All lots conform to the applicable lot standards of the zoning district including density, lot area, dimensions, setbacks, and coverage.*
 - 2. Each parcel is suited for the use intended or to be offered, including but not limited to sewage disposal,*

water supply, guaranteed access and utilities.

3. *All public services deemed necessary are reasonably available or are proposed to be provided by the partitioner.*
4. *Proposal will not have identifiable adverse impacts on adjoining or area land uses, public services and facilities, resource carrying capacities or on any significant resources.*

F. Survey and improvement requirements. *In the approval of any land partitioning, the need for a survey, and the need for street and other public facility improvements shall be considered and such may be required as a condition of approval. Any survey and/or improvement requirements that may be required for a subdivision or other land development may be required for a partitioning, including bonding or other assurance of compliance.*

15.410.050 Final Map Requirements

Within 2-years of the approval of a partition, the partitioner shall have prepared and submitted to the City Planning Official a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.

- A.** *The final map shall provide a certificate for approval of the subject partition by the Planning Official . The final map shall also contain a certificate for execution by the County Tax Collector and a certificate for execution by the County Assessor. The final map shall first be submitted to and approved by the County Surveyor prior to obtaining the required signatures.*
- B.** *Upon approval, the petitioner shall file the original map with the County Clerk, the true and exact copy with the County Surveyor and copies of the recorded plat and a computer file of the plat with the City Recorder, City Planning Official , or County Surveyor. The County Surveyor may request an additional number of copies required at the time of final plat review if deemed appropriate.*
- C.** *A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision.*

Chapter 15.414 Re-Platting and Boundary Line Adjustments

- 15.414.010 Re-platting and Vacation of Plats
- 15.414.020 Boundary Line Adjustments
- 15.414.030 Final Map Recordation - Boundary Line Adjustment

Summary: The City doesn't currently have any approval criteria or procedures (other than instructions for recording a map) for replatting and boundary line adjustments. Section 15.414.010 and 15.414.020 are from the Model Code. Section 15.414.030 is from the current Land Division Ordinance.

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 Chapter 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.

15.414.020 Boundary Line Adjustments

- A. Submission Requirements.** All applications for Boundary 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, existing fences and walls, and any other information deemed necessary by the Planning Commission 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 City 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 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; and
 - 3. Access and Road authority Standards.** All lots and parcels conform to the standards or requirements of Article 5 Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any City or road authority standard, it shall not be made less conforming by the boundary line adjustment.

15.414.030 Final Map Recordation - Boundary Line Adjustment

- A. The final map for a boundary line adjustment survey shall comply with the requirements of ORS Chapters. 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 City 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 City Planning Official, together with an electronic copy in a format approved by the City of La Pine.*

Chapter 15.418 Processing and Recording Procedures

Section:

15.418.010 Processing and Recording Subdivision and Partition Maps

Summary: This Chapter is from the current Land Division Ordinance. The only change proposed is to note that the scale and format of the plans and the number of copies required by the City shall be as specified on the application form.

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 Director, 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.*

ARTICLE 10 – HISTORIC AND CULTURAL PRESERVATION PROGRAM AND THE LA PINE LANDMARKS COMMISSION

Chapters:

- 15.440 General Provisions
- 15.442 Designation of a Resource
- 15.444 Standards

Chapter 15.440 General Provisions

Sections

15.440.010	Purpose
15.440.020	Applicability
15.440.030	La Pine Landmarks Commission
15.440.040	Appeals
15.440.050	Oregon State Special Assessment of Historic Properties
15.440.060	Definitions

Summary: Most of the text in this Chapter is from the current Zoning Ordinance (*in italics*). A few minor updates have been made including: referencing the new Type III and Type IV procedures in Article 7 and rearranging some of the existing language to improve flow and clarity. However, **significant changes to this chapter are outside the scope of this project.**

15.440.010 Purpose

- A. *The City will make effort to protect all real properties in La Pine that are listed on the National Register of Historic Places and other properties that are designated as local historic or cultural resources. The list of the City's historic and cultural resources is found in the Comprehensive Plan.*
- B. *To assure preservation of cultural resources, it is important to institute regulatory controls and administrative procedures. Accordingly, the Historic and Cultural Preservation Code shall be used to protect designated historic and cultural resources. The Code shall be based on and be compatible with the Secretary of the Interior's Standards and Guidelines for Rehabilitation.*
- C. *The City of La Pine establishes a Historic Preservation Ordinance to identify, recognize, and preserve significant properties related to the community's history; encourage the rehabilitation and ongoing viability of historic buildings and structures; strengthen public support for historic preservation efforts within the community, foster civic pride and encourage cultural heritage tourism.*

15.440.020 Applicability

- A. *This code applies to any real property within La Pine City limits that was designated as a historic or cultural resource by the Deschutes County Commission prior to 2006, or was designated by the La Pine City Council, or was listed on the National Register of Historic Places.*
- B. *This code also applies to all properties that are listed on the National Register of Historic Places, including properties that have no structures or have a structure that is designated as non-historic, historic non-contributing, or historic contributing.*
- C. *code does not apply to the interiors of historic buildings.*
- D. *No provision of this Ordinance shall be construed to prevent the ordinary maintenance of a Landmark when such action does not involve a change in design, materials, or appearance.*

- E. *No provision in this Ordinance shall be construed to prevent the alteration, demolition, or relocation of a Landmark when the Building Official certifies that such action is required for public safety. The Building Official may find that under provisions of state law and Section 11.D.3 that a Landmark does not meet current building code but is not dangerous and thereby is eligible for some method of amelioration.*
- F. *The following activities are not regulated by this code: weather stripping, re-roofing and painting as these actions are considered ongoing maintenance activities.*
- G. *With input from the City Council, the Landmarks Commission or Planning Commission, commissioners, consultants, volunteers and staff may inventory structures, historic and pre-historic sites and research the history of any property in the City. Physical access to any property shall be with the owner and occupant's written consent. The City and its agents may recommend that owners apply for a local historic or cultural resources designation on their property following the procedures in 20A 600.*

15.440.030 La Pine Landmarks Commission

A. Role

1. *The La Pine Landmarks Commission and/or the Planning Commission in the event a Landmarks Commission is not appointed will administer this code on behalf of the La Pine City Council.*
2. *The Landmarks Commission shall serve as a quasi-judicial hearings body for applications dealing with historic and cultural resources within the City. The Landmarks Commission's review will result in one of three outcomes: Approval, Approval with Conditions or Denial. All of the Commission's decisions shall be supported by Findings and be signed by the Chairperson. The Landmarks Commission decisions may be appealed by Parties of Record to the City Council as outlined in the City's Land Use Procedures Code Article 7.*
3. *The Landmarks Commission may hold public hearings on legislative matters that involve the City's historic preservation program and the designation of resources. The City Council may request the Landmarks Commission review and comment on proposed City policies, public works projects, urban renewal projects, modification to the Historic Preservation Code and/or the Comprehensive Plan as they relate to Historic Preservation topics and concerns.*
4. *The Landmarks Commission shall encourage historical property owners and the City to maintain, preserve and adaptively re-use significant historic and cultural sites, objects, and structures.*
5. *The Commission may adopt such procedural rules and regulations as it finds necessary or appropriate to carry out this code.*
6. *The Commission may evaluate any requests brought forth by property owners and citizens to designate and preserve particular buildings and/or structures or sites.*
7. *The Commission shall have authority to inspect, photograph or investigate any district, building and/or structure or site in the City which it has reason to believe is significant, with the property owner and occupants written consent.*

8. *The Landmarks Commission may recommend to the City Council any changes of code or law and programs that will create incentives to preservation which it finds appropriate.*
9. *The Landmarks Commission shall compile and maintain a list of all properties that have been designated as historic or cultural resources or that has been listed on the National Register of Historic Places. The list shall include the applicable tax lots and street addresses, the date of designation, and a brief description of the resource and reasons for inclusion. The City should make effort to place this information on its website and other media avenues.*
10. *After consultation with the Council and City Manager and with their approval, the Commission may make information available to the public concerning its activities. All Commission revenue expenditures shall be approved by the City Council.*
11. *The Landmarks Commission shall advocate for historic preservation in La Pine and recommend to the city Council educational programs and materials about techniques for maintenance, rehabilitation, restoration and adaptive re-use of historic buildings.*
12. *The Landmark Commission may recommend the City seek, accept, and expend grant and gift funds; cooperate with public and private entities; and assist the owners of historical landmarks to secure funding for their property's preservation.*
13. *The Landmark Commission may publish and adopt written and graphic guidelines and example materials to clarify the criteria in this Ordinance and to assist applicants in developing complete and viable applications to designate, alter, rehabilitate, relocate, or demolish Landmarks subject to the Planning Commission and City Council's concurrence.*
14. *Documents intended to be used for the regulation of alterations in accordance with this Ordinance's provisions shall be submitted to the City Council by the Landmark Commission for review and consideration.*
15. *The Landmarks Commission shall perform other duties relating to historical and cultural matters as the City Council may request.*

B. Membership

1. *The Landmarks Commission is composed of five voting members and an undetermined number of ex-officio members who serve at the pleasure of the City Council.*

The Mayor, with the advice and consent of City Council, shall appoint five voting Commissioners. Alternately, the Planning Commission may be designated to serve as the Landmarks Commission.
2. *In the event the Planning Commission does not serve as the Landmarks Commission, the Landmarks Commissioners shall be comprised of those individuals who have some demonstrated level of expertise in historical preservation matters.*
3. *Terms. Landmarks Commissioners serve four [4] year terms. Any vacancy occurring in a position for any reason other than term expiration shall be filled by appointment for the remainder of the term.*

C. *Officers. The officers of the Landmarks Commission shall consist of a chairperson, vice- chairperson and secretary, each one of them elected by a majority vote in the first meeting in any calendar year. The officers can serve in any position for a maximum of two [2] years.*

D. Meetings

1. *The time and dates of meetings shall be fixed by rules established by the Landmarks Commission. The Landmarks Commission shall meet at least quarterly.*
2. *All meeting shall be accessible to the public and ADA accommodating.*
3. *The Commission may meet at the sites of proposed or designated historic or cultural resources for information gathering purposes. The Commission members shall refrain from making public comments outside the public hearing.*
4. *The Landmarks Commission’s meetings will be run according to Roberts Rules of Order.*
5. *Non legislative public hearings will follow the City’s Type III procedure (Article 7).*
6. *Legislative public hearings will follow the City’s Type IV procedures (Article 7).*

E. Public Participation

1. *The Landmarks Commission shall encourage public participation in all of its meetings and activities and comply with the Oregon Public Records and Open Meetings Law.*
2. *City staff shall provide adequate public notice for all Landmarks Commission meetings as well as provide the City Council and Planning Commission with all meeting notices, agendas, and approved meeting minutes. City staff shall produce public notices, staff reports, Findings and Decisions, record meetings and prepare meeting minutes.*

F. Compensation

Commissioners shall serve without financial compensation, but may be reimbursed for vehicle mileage and out-of-pocket expenses when performing business on behalf of the City.

15.440.040 Appeals

- A. *Appeals of Decisions made by the Landmarks Commission shall be to the City Council and may be filed by the applicant or party of record to the case.*
- B. *A decision of the City Council may be appealed to the Land Use Board of Appeals as provided by law.*

15.440.050 Oregon State Special Assessment of Historic Properties

- A. *The staff at the Oregon State Historic Preservation Office will review and approve or deny projects for interior and/or exterior restoration, rehabilitation, alteration, demolition, or new construction of structures located on a property that is listed on the National Register of Historic Places and is benefiting from the*

Oregon Special Assessment Program. However, if the scope of the project falls under this code, it will also be reviewed by the Landmarks Commission under applicable sections of this code to determine the appropriateness and reasonableness of the application.

- B. *After the application is deemed complete by planning staff, a copy of the application will be timely sent to the Oregon State Historic Preservation Office for comment. A copy of the local decision will also be sent to the Oregon State Historic Preservation Office.*

15.440.060 Definitions.

The following words and phrases are defined for use in Article 10. If a term is defined in both the Article 10 and in Chapter 15.12, the definition in Article 10 shall be used if the application of the term is within the parameters of the City of La Pine Historic and Cultural Preservation Program and the La Pine Landmarks Commission.

Alteration. *The addition to, or removal of, or physical modification of any exterior part, structure or portion of a structure and/or building.*

Architectural significance. *The structure and/or building portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; embodies those distinguishing characteristics of an architectural type; is the work of an architect or master builder whose individual work has influenced the development of the City; or contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.*

Demolish. *To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated structure.*

Emergency. *A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.*

Exterior. *Any portion of the outside of a designated historical structure and/or building.*

Historic. *50-years old or older.*

Historic Artifacts. *Three-dimensional objects including furnishings, art objects, architectural elements, building materials and items of personal property which have historic significance. "Historic artifacts" does not include photographs, paper, electronic media or other media that are classified as public records.*

Historic or Cultural Resource. *A historic or cultural site, building, structure, object, and its significant setting or any combination of these resources that are listed on the National Register of Historic Places, or designated by the City Council and are listed in the City's Comprehensive Plan.*

Historical Significance. *The structure or building has character, interest or value as part of the development, heritage or cultural characteristics for the city, state or nation; is the site of a historic event with an effect upon society; is identified with a person or group of persons who had some influence on society; or exemplifies the cultural, political, economic, social or historic heritage of the community.*

Inventory. *A survey, map, or description of one or more properties that is prepared by a local government, state or federal agency, private citizen, or other organization and that includes information about the architecture, building materials, history, activities, people and features associated with such sites. As a verb, "inventory"*

means to collect, prepare, compile, or refine information about one or more resource sites.

Landmark. *An object or structure of special historical significance which has been designated by the local government or federal government as a historic or cultural resource.*

Landmarks Commission. *The La Pine Landmarks Commission and/or the La Pine Planning Commission if they are one and the same body.*

Maintenance. *The process of mitigating the wear and deterioration of a property without altering the historic character of the property, including action taken to protect and repair the condition of the property with the least possible impact on the historic character of the property.*

Major Alteration. *An alteration which could adversely affect the historical or architectural significance of a historic resource. Examples include alterations to the front façade, additions, exterior remodels or alterations to the setting that remove significant historic elements or add features that are incompatible with the historic or prehistoric period, thereby losing interpretive value.*

Minor Alteration. *An alteration which does not affect the historical or architectural significance of a structure.*

Planning Division. *The City's planning department.*

Object. *To distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and are not inhabitable. Although it may be, by nature or design, moveable, an object is associated with a specific setting or environment. Items such as statues, sculptures and fountains are considered objects.*

Preservation. *The process of applying measures necessary to sustain the existing form, integrity, and historic design and materials of a historic property, including but not limited to ongoing maintenance and repair of historic materials and landscaping following the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.*

Property Owner. *The owner-of-record or the contract purchaser and does not include a person or organization that holds a security interest.*

Protect. *To require Landmarks Commission review of applications for the demolition, removal, or alteration of a historic resource, for new construction on the site or placement of fences or signs on the designated property in accordance with the provisions of this ordinance so that the defining characteristics of the structure(s) and its site and environment are retained.*

Reconstruction. *The process of depicting, by means of new construction, the historic form, features, and detailing of a landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.*

Rehabilitation. *The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values. The Secretary of the Interior's Standards for Rehabilitation outlines basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.*

Replacement. *The process of replacing historic materials and features with new materials when the deterioration of a character-defining material or feature is so extensive that protection, maintenance, or repair is not possible. Replacing severely deteriorated or damaged historic materials with new materials of the same kind as the historic materials and in the same design as the historic element constitutes “replacement.”*

Restoration. *The process of accurately depicting the forms, features and character of a property as it appeared at a particular period of time, by means of the removal of features from other periods in its history and reconstruction of missing features from the period of significance.*

Site. *The location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archaeological value regardless of the value of any existing structure.*

Structure. *Anything constructed or built, any edifice or building or any kind, or any pieces of work architecturally built or composed of parts joined together in some definite manner.*

Chapter 15.422 Designation of a Resource

- 15.442.010 Criteria for Designation of a Cultural or Historic Resource
- 15.442.020 Procedures for Local Designation of a Cultural or Historic Resource
- 15.442.030 Procedures to Remove Local Resource Designation
- 15.442.040 Annexation
- 15.442.050 National Register Nominations
- 15.442.160 Historic and Cultural Resource Survey and Inventory

Summary: The text of this Chapter is from the current Zoning Ordinance and no changes have been made. **Significant changes to this chapter are outside the scope of this project.**

15.442.010 Criteria for Designation of a Cultural or Historic Resource.

The Landmarks Commission shall evaluate applications for resource designation and make a recommendation to the City Council about whether the application should be approved. The evaluation of potential historic and cultural resources including buildings, structures and sites shall be based on the following criteria:

- A. *The property represents the contributions of a person or family important in La Pine's history.*
- B. *Structures or buildings represent a style of architecture or method of construction of extraordinary or unusual design, detail, materials, or craftsmanship.*
- C. *Structures or buildings are the work of an architect, designer or master builder whose work has influenced development in the city, state or nation.*
- D. *The property represents the contributions of La Pine's significant people, cultural groups, educational, religious or cultural activities.*
- E. *The structure or building represents typical local construction techniques, values, workmanship and materials used during the historic period it represents.*
- F. *The site, structure or building is associated with or represents an important event in La Pine's and/or Oregon's prehistory or history.*
- G. *The site has a cemetery or grave site with burials more than 50 years old.*
- H. *The property is likely to yield information important to prehistory or history.*
- I. *The building, structure or site provides La Pine a sense of place.*
- J. *A property needs to meet one of the aforementioned criteria to be designated a cultural or historic resource.*

15.442.020 Procedures for Local Designation of a Cultural or Historic Resource

- A. *The Application to designate a resource shall include the name(s) of the owner(s)-of-record, the property address(s) and location, a description of the property and structures; dates of construction; identification of*

events, people and cultures associated with it; an evaluation of its integrity and a statement of its significance.

- B. Upon receipt of a completed application requesting the City Council to designate a building, structure, object or site as an historical or cultural resource, the planning staff shall evaluate the application for code compliances and construct a report. The City will send written notification to the property owner(s) and the public about the Landmarks Commission's inspection of the property and the public hearing(s) at least 21 days prior to each hearing event.*
- C. The condition of the structure/building(s) is not relevant to its significance. In many cases, the condition of the building or structure is reversible and it can be rehabilitated after it is designated.*
- D. A majority of the Landmarks Commissioners shall independently inspect and evaluate the property/properties before the public hearing. Their observations and evaluations shall be added to the record during the hearing. At the conclusion of the public hearing, the Commission will determine the application's validity and then submit its recommendation to the City Council.*
- E. At the City Council hearing, the owner(s) of the property/ properties, a representative of the Landmarks Commission and all other interested parties shall be entitled to present testimony.*
- F. If the City Council determines that a property or properties proposed for designation has/have significance, the City Council may approve the ordinance and designate it (them) as historical or cultural resources and include it (them) in the list of designated resources in the Comprehensive Plan.*
- G. If the owner of an individual property objects to the designation the City Council shall not designate the property.*

15.442.030 Procedures to Remove Local Resource Designation

In some cases, the local resource designation for an individual resource can be removed. If any historical object, building or structure has been demolished or destroyed, the City Council may remove the historic or cultural resource's designation following a public hearing.

15.442.040 Annexation

At the time of annexation to the City, all properties with locally designated historical and cultural resources within the annexation area shall retain their resource designations.

15.442.050 National Register Nominations

Listing on the National Register of Historic Places is a federal action using federal procedures and criteria. Nominations for listing a property or district on the National Register of Historic Places are submitted to the Oregon State Historic Preservation Office and not to the City.

15.442.060 Historic and Cultural Resource Survey and Inventory

- A. Maintaining a statewide inventory of Oregon's historic and archaeological properties is one of the responsibilities of the Oregon State Historic Preservation Office as mandated by the National Historic*

Preservation Act of 1966 and Amendments. The local surveys that contribute to this inventory provide important support to citizens, local governments, and federal and state agencies for identifying and protecting Oregon's cultural heritage resources. A database called the Oregon Historic Sites Database contains documents and electronic data about hundreds of properties in La Pine.

- B. Periodically, the La Pine Landmarks Commission shall survey and inventory properties that may be eligible for listing in the City Inventory of Historic and Cultural Resources and/or the National Register of Historic Places and add them to the statewide database with the Council's concurrence.*
- C. Survey and inventory documents shall be maintained, updated as necessary, and be accessible to the public for research through public records request.*
- D. Survey and inventory documents and processes shall be according to practices of the Oregon State Historic Preservation Office for maintaining the Oregon Historic Sites Database.*
- E. Records concerning archeological sites shall not be made available to the public. The locations of archaeological sites shall be kept confidential as required by state law.*

Chapter 15.444 Standards

15.444.010	Maintenance
15.444.020	Demolition Permits and Moving Historic Resources
15.444.030	Signs and Plaques
15.444.040	Redevelopment and Neighborhood Improvement Projects
15.444.050	Enforcement of State Preservation Laws
15.444.080	Requirements to Alter or Add Landscaping and Fencing
15.444.090	Exterior Alteration and New Building Restrictions
15.444.100	Design Review Guidelines for New Construction
15.444.110	Requirements for Additions to Existing Buildings
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Summary: Most of the text of this Chapter is from the current Zoning Ordinance (*in italics*). Only minor changes to clarify the correct procedure type have been made. **Significant changes to this chapter are outside the scope of this project.**

15.444.010 Maintenance

The maintenance, preservation, cleaning, repair, and other treatment of original exterior materials shall be in accord with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.

Owners who follow the recommendations in this document are not required to apply for Landmarks Commission review or approval of maintenance and preservation work.

15.444.020 Demolition Permits and Moving Historic Resources.

- A. *No one may demolish or move a designated historical or cultural resource, except with the approval of the Landmarks Commission and City Council. The City may approve or deny applications to demolish or move historic or cultural resources.*
- B. *An application for a permit to demolish or move a historical or cultural resource requires the signature of the owner-of-record. The buildings or structures shall be thoroughly photographed inside and out after the owner-of-record and occupants grant property access. The setting shall be photographed, showing all sides of the subject resource. The photographs shall be submitted as part of the application for approval of the action sought.*
- C. *The Landmarks Commission shall hold a public hearing within 31 days of receipt of the application. The applicant, the owner of the property and other interested parties shall be entitled to present testimony.*
- D. *In determining whether to approve the demolition or removal proposed in the application, the Landmarks*

Commission shall consider the following:

- 1. All evidence, plans, drawings and photographs that are submitted by the applicant;*
 - 2. Information presented at the public hearing;*
 - 3. The case file of the local ordinance or the National Register nomination designating the object, structure or building;*
 - 4. The long term effects of the proposed demolition or removal upon the protection, enhancement, perpetuation and continued use of the resource;*
 - 5. Whether the demolition or removal is proposed to abate a nuisance or a hazardous condition;*
 - 6. Whether denial or delay of the demolition or removal will cause the applicant substantial hardship;*
 - 7. Whether there are any alternatives to the demolition or removal;*
 - 8. Whether land use issues or regulations result in causing the need to move or demolish the structure;*
 - 9. Whether grants or other funding opportunities are available to rehabilitate or alter the structure or building;*
 - 10. Whether the structure or building can be adaptively re-used or altered to facilitate its being converted to another economically feasible use;*
 - 11. When an historic property is moved to a new location, the historic property status is retained for that property at the new site;*
- E. If the land use designation results in a request to move or demolish a historic resource, the City staff may in a timely manner, without cost to the property owner, review the zoning and determine if it can possibly be altered through public hearing processes for purposes of allowing its continued use in order to preserve the resource in a historic setting.*
- F. If the City Council approves the demolition or removal of the historic resource and if no appeal is timely filed, the building official shall issue a demolition or removal permit in accordance with applicable codes and ordinances.*
- G. Postponement*
- 1. The Landmarks Commission may postpone action on an application for a demolition or removal permit if the Commission determines that a grant request, fund raising effort, program or project is under way which would result in rehabilitation, public or private acquisition or relocation of the resource, and there are reasonable grounds to believe that such effort may be successful. And provided the property owner of record consents to these actions on the property's behalf.*
 - 2. The Landmarks Commission may suspend consideration of the application for a period not to exceed 120 days with the property owner's concurrence.*

3. *During the period of suspension, no permit shall be issued for demolition or removal, nor shall any person demolish or remove the resource.*
4. *A decision to postpone action by the Landmarks Commission may be appealed by the applicant or the owner to the City Council.*

15.444.030 Signs and Plaques.

- A. *The City encourages owners of historic resources to install a plaque displaying the name, date, historic photograph and other appropriate information upon the property, provided that the size, material, design, location and text of such plaque or sign is approved by the Landmarks Commission and is consistent with the City's signage code.*
- B. *Proposed signs must meet City signage code that includes provisions for signing historical properties. Among its provisions: signage size must be in proportion to the size of the historic building; signage placement shall not obscure the buildings significant architectural elements; signage type, font, design, shape and materials must be compatible with the historic building. The back lighting of metal-framed plastic signs and vinyl signs or vinyl lettering is discouraged.*
- C. *Removable signs that are painted on windows or glass doors or similar to signs shown in historic photographs of the structure and made with materials that were used in the historic period are encouraged and may be approved administratively.*
- D. *Signs must be attached to the structure in such a way as to not cause irreversible damage to the building. New signs shall be attached by reusing existing hardware whenever possible. New brackets and bolts shall be installed on masonry buildings in a wood backing or mortar joint and not into the actual brick or rock.*

15.444.040 Redevelopment and Neighborhood Improvement Projects

- A. *A neighborhood improvement or redevelopment project administered by the City shall be submitted to the Landmarks Commission for plan review and recommendation in the circumstance where the proposed action may adversely affect a designated historic resource.*
- B. *The Landmarks Commission may review the plans and submit a report about the potential effects upon a historical resource to the City Council. The installation of new streetlights, sidewalks, street paving, alley paving and other improvements should be done in a way that is compatible with the age and significance of adjacent historical structures.*

15.444.050 Enforcement of State Preservation Laws

- A. *The City Council and Landmarks Commission shall enforce all state laws relating to historic preservation, the protection of properties listed on the National Register of Historic Places and the treatment of historic cemeteries and archaeological sites.*
- B. *These state laws include but are not limited to ORS 197.772 (Consent for designation for historic property),*

ORS 358.653 (Conservation Programs, Leases), and ORS 358.475 through 358.541 (Special Assessment).

- C. *Applications to alter a Native American or other archaeological site shall be forwarded to the state archeologist for comment. La Pine staff shall use applicable sections of the Secretary of the Interior's Standards and Guidelines for Archeology to protect archaeological sites.*

15.444.060 Requirements to Alter or Add Landscaping and Fencing

- A. *Traditional landscape elements evident on the property such as lawns, paths, trees, shrubs, fences and natural vegetation, should be preserved and are encouraged in site redevelopment.*
- B. *Landscape elements such as historic hedges, trees, shrubs, paths, and masonry walls that are more than 50 year old are valued because they demonstrate changing styles of landscaping, give a sense of age to the site and provide historic context. Their preservation is encouraged.*
- C. *Compatible alterations and additions to existing non-historic landscaping, such as non-historic decks, patios, young trees, bushes, vegetable gardens, flower gardens, garden beds or masonry walls and paths, shall be allowed.*
- D. *Landscape walls or fencing on the rear and side property lines of a historic resource are allowed if they comply with the City's fencing requirements.*
- E. *Front yard fencing shall be less than four [4] feet in height and constructed of split rails, wood pickets, stacked rocks, or typical historic wood or looped top wire fences such as basket weave designs. Fences should have one [1] inch or larger spacing between boards and not placed within the site vision triangle.*

15.444.070 Exterior Alteration and New Building Restrictions

- A. *No person may demolish or alter any historic or cultural resource in such a manner as to adversely affect its appearance or integrity, unless a Type III application for the action has been approved by the Landmarks Commission and the City.*
- B. *Any cultural or historical site application for demolition, alteration or new construction shall be submitted to planning department staff that shall timely refer the completed application to the Landmarks Commission for review and/or hearing. Applications for alterations or new construction shall be accompanied by appropriate plans and specifications of all exterior materials intended for usage to allow the Commission to determine if the application meets applicable criteria.*
- C. *Any application for demolition, alteration, new additions, or new construction must be filed concurrent with required building or land use permits. The City may not issue applicable demolition or building permits until the Landmarks Commission or the City Council has approved the application. The applicant may rely upon special sections of the Uniform Building Code for designated Historic Resources.*
- D. *Applications for demolitions of non-historic buildings located on lots with historically designated structures as well as applications for minor alterations and new fencing may be processed administratively.*

- E. *Applications for major alterations or new construction on lots with historically designated structures must meet the applicable Design Review Criteria.*

15.444.080 Design Review Guidelines for New Construction

- A. *New construction shall be compatible with and subservient to all historic buildings on the tax lot. Newly constructed buildings must fit in and be located in a manner that is similar to the site's historic buildings. The building construction must not be obtrusive rather it shall be homogenous with the tax lot's historic buildings.*
- B. *The new construction project must meet the city zoning requirements for lot coverage, setbacks and height.*
- C. *In addition to the zoning requirements, the height of new additions shall not exceed the height of the historic building.*
- D. *The square feet in the proposed new building shall not exceed that of the largest historic building on the lot.*
- E. *The relationship of solids to voids (wall to window) shall be compatible with related elements on the lot's historic buildings.*
- F. *The relationship of height to width of primary and secondary elements of new construction shall be compatible with the lot's historical structure(s).*
- G. *Exterior features such as bays, porches, balconies, and other architectural elements are encouraged in new construction.*
- H. *Concrete or masonry foundations for new construction are not required to be covered with material that simulates historic construction.*
- I. *New construction should employ exterior materials that are traditional to the property such as logs, wood, stone, and brick. The materials should be employed in their traditional configurations, such as lap siding, board and batten siding, common brick, and coursed random width wood shingles.*
- J. *Grooved plywood siding such as T 1-11, cement board or other composition sidings stamped with a faux wood grain, vinyl siding, aluminum siding, metal sidings, imitation brick and stone, and vinyl windows and aluminum window frames that are not part of a "clad" window system are not allowed. Smooth cement type siding without a stamped pattern is allowed.*
- K. *Roofing pitches, styles, and materials should be compatible with the tax lot's historic building(s).*
- L. *When feasible, proposed garages and carports should be located on the site where they have the minimum visual impact from public ways. Where garages must face the street front, they should be designed to minimize their bulk and visual impact. Single-car garage doors should be employed. The construction of detached one story garages is encouraged.*
- M. *New windows may be double pane in wood or metal clad wood. Fiberglass windows in traditional colors are allowed. Windows shall be finished in a traditional way with window sills and exterior window casings and*

shall be in traditional styles such as casement, double or single hung or fixed.

15.444.090 Requirements for Additions to Existing Buildings

- A. *New additions shall be sited so that they do not impact the primary façade. Additions shall be located at the rear of the historic building or on the sides where they have the least visual impact from public ways.*
- B. *To the extent practicable, original historic architectural elements and materials shall be preserved.*
- C. *Architectural elements and materials for new additions shall be compatible with related elements of the historic building. Siding and roofing applications shall be similar to the historic portion of the building.*
- D. *The new foundation may be of concrete and does not have to match the historic foundation. New foundations shall not significantly alter the historic elevation of the building. Concrete or masonry foundations that will replace deteriorated wood foundations are encouraged.*
- E. *Additions should not be taller than the historic building.*
- F. *Additions should not contain more square feet than the historic portion of the building. Where new additions must be larger, the new addition shall be articulated in such a manner that no single element is visually larger than the historic building.*
- G. *The relationship of height to width of new additions and their sub-elements, such as windows and doors, shall be compatible with related elements of the historic building, such as the typical historic windows which have an approximate proportion ratio of 2 vertical to 1 horizontal.*
- H. *Grooved plywood siding such as T 1-11, cement board or other composition sidings stamped with a faux wood grain, vinyl siding, aluminum siding, metal sidings, imitation brick and stone, and vinyl windows or aluminum window frames that are not part of a "clad" window system are not allowed. Smooth cement board siding without a stamped pattern is allowed.*
- I. *Solar panels, skylights and solar tubes or similar products may be installed in the roof if they are not located above the front facade.*

15.444.100 The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings are intended to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers prior to treatment. The treatment standards are designed to be applied to all historic resource types included in the National Register of Historic Places--buildings, sites, structures, districts, and objects. The Guidelines apply to specific resource types; in this case, buildings.

For means of this code, the Secretary of the Interior Standards & Guidelines for Rehabilitation are reprinted below. Depending upon the nature of the applicant's project, one or more of the Standards and Guidelines may apply. The Landmarks Commission will provide assistance in determining the appropriate application method.

More information may be found at http://www.nps.gov/hps/tps/standguide/overview/using_standguide.htm.

The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

The Standards (36 CFR Part 67) apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as "certified rehabilitations" eligible for the 20% rehabilitation tax credit.

The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.

- A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.*
- B. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.*
- C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*
- D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*
- E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.*
- F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. The replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*
- G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*
- H. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*
- I. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.*

- J. *New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

The Guidelines have been prepared to assist in applying the Standards to all project work; consequently, they are not meant to give case-specific advice or address exceptions for rare instances. Therefore, it is recommended that the advice of qualified historic preservation professionals be obtained early in the planning stage of the project. Such professionals may include architects, architectural historians, historians, historical engineers, archeologists, and others who have experience in working with historic buildings.

The Guidelines pertain to both exterior and interior work on historic buildings of all sizes, materials, and types. Those approaches to work treatments and techniques that are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties are listed in the "Recommended" section; those which are inconsistent with the Standards are listed in the "Not Recommended" section.

15.444.120 Preservation Incentives

- A. *Owners of Designated Historic Resources shall receive a 10% reduction of City fees and taxes for City services.*
- B. *The city will allow some uses that would otherwise be restricted in order to foster continued use and adaptive re-use of the historic buildings if an exception is granted in accordance with Chapter 13.324.*
- C. *La Pine will not charge a fee for applications to designate a historic or cultural resource or for review of restoration or rehabilitation projects.*

15.444.130 Preservation of Historic Cemeteries

- A. *The La Pine City Council shall determine the separation distance of new development from a known burial site on a case by case basis.*
- B. *Any excavation for a structure or building within 300 feet of a known burial shall be monitored for the disturbance of human remains. If any remains are discovered, the City shall contact the Oregon State Police, Deschutes County Coroner and the State Archaeologist at the Oregon State Historic Preservation Office immediately and work will be stopped.*
- C. *Historic landscaping and historic plot fencing shall be retained. Historic grave markers and landscaping shall be preserved and maintained as directed by the publications of the Oregon Cemetery Commission.*
- D. *Construction in a cemetery of any building that will have more than 120 square feet shall be approved by the Landmarks Commission.*
- E. *Efforts shall be made to preserve the historic character of the cemetery as outlined by the Oregon Cemetery Commission's publications.*

15.444.140 Special Provisions of the Uniform Building Code

La Pine will use the special provisions for historic preservation that are found in the Uniform Building Code,

including, but not limited to,

Section 117.5 Historic Building Repairs, Alterations and Additions;

Section 1102 Definition of Historic Building;

Section 1114 Historic Preservation and Accessibility,

Section 3403.5 Historic Building Repairs, Alterations and Additions; and

1301.1.2 Historic Building Energy Efficiency.