

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

**OWNER/
APPLICANT:** Newberry Storage
C/o Jesse Bath
21070 scottsdale Dr
Bend, OR 97701

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

REQUEST: Type II Site plan review for 18,800 sf of self-storage buildings and on-site RV storage in conjunction with the existing neighboring storage in the Industrial Zone on 1.29 acres.

LOCATION: The subject property address is 16671&16679&16672 Assembly way, Lot 39&42&58 of the Newbery Business Park, and is identified as Tax Lots 221014AB00119 & 221014AB00120 221014AB00128 on Deschutes County Assessor's Map 22-10-14AB.

I. APPLICABLE CRITERIA, STANDARDS, AND PROCEDURES:

City of La Pine Development Code

Article 3, Development Standards

15.24 Industrial and Public Facility Zones

Article 5, Development Standards

Chapter 15.82, Landscaping, Buffering and Fences

Chapter 15.86, Parking and Loading

Chapter 15.88, Access and Circulation

Chapter 15.90, Public Facilities

Article 7, Procedures

Chapter 15.202, Summary of Application Types and General Provisions

Article 8, Applications and Reviews

Chapter 15.312, Site Plan Review

II. BASIC FINDINGS:

1. **LOCATION:** The subject property address is 16688 Box Way and is identified as Tax Lot 126 on Deschutes County Assessor’s Map 22-10-14AB.

Deschutes County DIAL 2021

2. **EXISTING ZONING & COMPREHENSIVE PLAN DESIGNATION:** The subject property is zoned Industrial on the La Pine Zoning Map and the La Pine Comprehensive Plan Map.

3. **SITE DESCRIPTION & SURROUNDING USES:** The subject property is located on the north side of Box Way, west of Mitts Way, in the La Pine Industrial Park. It abuts other industrial zoned properties of similar size in the Newberry Business Park subdivision. The lot adjacent and west of the subject property was approved for the same use under planning file 02SPR-20. This application proposes to add to the usage of the adjacent site and share a common access along the east edge of Lot 64.

4. **PROPOSAL:** Type II Site plan review for Approximately 1,600 sf of self-storage building and RV storage in the Industrial Zone on 0.54 acres.



III. APPLICATION OF STANDARDS AND CRITERIA:

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

15.24.100 Purpose

Chapter 15.24 regulates allowed land uses (“uses”) and sets forth lot and development standards, including without limitation minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development in the industrial and public facility zones. The regulations of this chapter are intended to implement the City of La Pine Comprehensive Plan.

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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.

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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

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15.24.300 Use Regulations

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

A. Permitted Uses (P). Uses allowed outright in the industrial and public facility zones are listed in Table 15.24-1 with a “P”.

D. Prohibited Uses (N). Uses listed in Table 15.24-1 with an “N” are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of Chapter 15.08, Non-Conforming Uses and Structures.

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

<u>Use Category</u>	<u>LI</u>	<u>I</u>	<u>PF</u>	<u>Special Use Standards</u>
<u>Commercial Use Categories</u>				
Self-Service Storage	CU	P	P	--

Response: As proposed in this application, the use "Self-Service Storage" is allowed outright in the Zone.

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 15.320, 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

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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		

Response: As shown on the submitted Site Plan, the proposed structures meet or exceed the standards of this section.

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. See additional landscaping standards in Article 5. 3-21

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. See additional buffering and fence standards in Article 5.

Response: The applicant does not propose the uses listed in this section. As shown on the submitted Site Plan, the applicant does propose fencing of the site, along with landscaping in the areas not used for buildings and drive aisles.

D. Vehicle Access. Access driveways and entrances shall be permitted in a number and locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access. The City may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances. See additional access and circulation standards in Article 5.

Response: As shown on the submitted Site Plan, the proposed access for the site will share the existing driveway and gate constructed for the storage facilities on the adjacent Lot (64) for street access. This shared access plan minimizes the number of access points along the block and therefore promotes the safe and free movement of traffic along the roadway.

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.

Response: These items are regulatory and ongoing conditions of use.

Chapter 15.82 - Landscaping, Buffering and Fences

Sections

15.82.010 Landscaping and Screening Requirements

15.82.020 Fences and Walls

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.

Response: The proposed use is classified "Industrial", and the subject property is in the Industrial Zone. Therefore, a minimum 5 foot buffer is provided along the frontage of the lot, and 10% of the overall site contains landscaping, as shown and quantified on the submitted Site 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.

Response: The subject site does not provide 10 parking spaces.

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 Code.

5. A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.

6. In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the review authority.

Response: The subject site does not abut lands zoned other than Industrial. Therefore, no buffer strip is required.

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. 5-7
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.

Response: The proposed site plan indicates areas to be landscaped in compliance with this section. A detailed planting schedule will be provided with building permit submittal, ensuring compliance with these specifications.

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. 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, except as provided below.

1. Barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, are permitted in any zone where the keeping of livestock is permitted.
2. Electric fences are permitted in any zone where the keeping of livestock is permitted provided the following standards are met:
 - a. The fence product shall be listed by a State of Oregon approved testing laboratory.
 - b. The fence shall be installed and used in accordance with the testing laboratory listing.

- c. Electrical permits and inspections shall be required for the installation.
- d. Warning signs which notify individuals of a dangerous fence shall be posted on the fence, at intervals not to exceed 50 feet. The statement, DANGER - Electrified Fence, or an equivalent statement, shall be on the warning signs.
- e. The fence must be located outside any front yard setback and required landscaping, buffering or screening areas.

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.

Response: The site plan proposes to install fencing along the north, south, and west property lines, as the east line will utilize a shared access with the adjacent use. The exact type and style of fencing will be submitted with building permit to ensure compliance with 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
- 15.86.040 Drive-up and Drive-through Uses and Facilities
- 15.86.050 Bicycle Parking
- 15.86.060 Snow Storage Areas

15.86.010 Applicability

Off-street loading and vehicle and bicycle parking spaces shall be provided in accordance with the specifications of this Chapter 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 Chapter prior to being given a certificate of use and occupancy.

15.86.020 Off-Street Loading

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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.

Response: The proposed use is self storage, and does not require material or merchandise delivery by means of 40 foot or longer trucks. A designated Loading Space is not required.

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 subsection (I) 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 (H), Parking Exceptions, which includes a Parking Demand Analysis option.

Table 15.86-1. Automobile Parking Spaces by Use

<u>Use Categories</u>	<u>Minimum Parking per Land Use</u> (Fractions are rounded down to the closest whole number.)
Self-Service Storage	Two spaces, plus adequate space for loading and unloading

Response: The proposed use is "Self-Service Storage" and requires two parking spaces. These spaces along the common property lines, will be shared with the existing use on the parcels to the east.

G. Maximum Number of Off-Street Automobile Parking Spaces. The following standards for maximum number of automobile parking spaces promote efficient use of land and compact development patterns.

1. Applicability. Developments subject to Site Plan Review must conform to the maximum parking standards.
2. Standards. Unless otherwise approved by the City through Site Plan Review, the maximum number of off-street automobile parking spaces allowed per for a commercial development equals the minimum number of required spaces, pursuant to Table 15.86-1 times a factor of 2.0. Parking spaces that are located in snow storage areas do not count toward the maximum parking space requirements.

H. Exceptions and Reductions to Off-Street Parking. An applicant may propose a parking standard that is different than the standards under subsections (F) or (G), 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).

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.

Response: As shown on the submitted site plan, the use will share access with the adjacent storage site along the east edge of Lot 64. The applicant proposes to also share the existing parking spaces for the subject property, as the use is joint for both properties. Neither site provides any publicly accessible spaces, nor any office or use other than the storage spaces themselves. Patrons are provided ample area to situate vehicles in the vicinity of the door to the space rented in order to load, unload, and access stored materials. Additional parking spaces are not necessary or warranted.

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.

Response: As approved and constructed, the parking areas on Lots 60-61, 64-65 is compliant with this section.

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

<u>Use</u>	<u>Minimum Number of Spaces</u>
Industrial	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.

Response: As found approved for the Site Plan for the adjacent storage, the use does not require specific bicycle parking areas or structures. The use has no public spaces or office area, no employees, and it is unlikely that any patron would arrive via bicycle. Patrons rent storage spaces, which could be used to securely park a bicycle should the need arise. Based on this premise, the applicant requests that this use is exempted from the requirements of this section.

15.86.060 Snow Storage Areas

A. Purpose. The purpose of these standards is to ensure that adequate space is be provided within a development for storage of snow in winter months in order to accommodate space needed for access, circulation, and off-street parking.

B. Applicability. Snow storage standards apply to all subdivisions and to developments subject to Site Plan review.

C. Standards.

1. Minimum Area. Snow storage areas must be designated on a site plan. The areas must total a minimum of 15% of the area to be cleared, including all access drives, parking areas, and walkways.
2. Location. Snow storage is not permitted on landscaped areas, except where these areas are limited to grass or rock cover. Snow storage may be permitted in parking areas provided that the site can still accommodate enough parking spaces to meet minimum off-street parking requirements in winter months. Parking spaces that are located in snow storage areas do not count toward the maximum parking space requirements. It is encouraged that snow storage areas be located away from public view and that additional impervious surface areas are not created for the sole purpose of snow storage.
3. Exceptions and Adjustments. The City may reduce or eliminate the required snow storage areas if a snow removal plan is presented which provides a continuous guarantee of removal.

Response: As shown on the submitted site plan, those areas designated for stormwater disposal as swales and adjacent portions of the drive aisle can be utilized for snow storage and total 15% of the site requiring clearing.

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

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.

Response: As depicted on the submitted site plan, the applicant proposed to share the existing access drive on Assembly Way, consolidating driveway usage and minimizing access points. The proposed use will generate approximately 4 new trips per day in addition to the trips associated with the adjacent site, at the ITE trip rate of 2.5 trips per 1,000 sf of "Mini-warehouse" (151). Therefore, a traffic impact analysis is not required by section 15.90.080(B) .

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.

Response: As approved and constructed for the adjacent storage facility, the existing driveway meets the criteria in this section. Access will be limited to the existing adjacent site driveways onto Box and Assembly Way, both local industrial roadways.

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.

Response: As joint use of the existing access abutting Lot 64 is proposed, the applicant agrees to provide such agreements as may be required and necessary to use and maintain the shared access, and those areas reserved for emergency vehicle access and turning movements.

15.88.040 Clear Vision Areas (Visibility at Intersections)

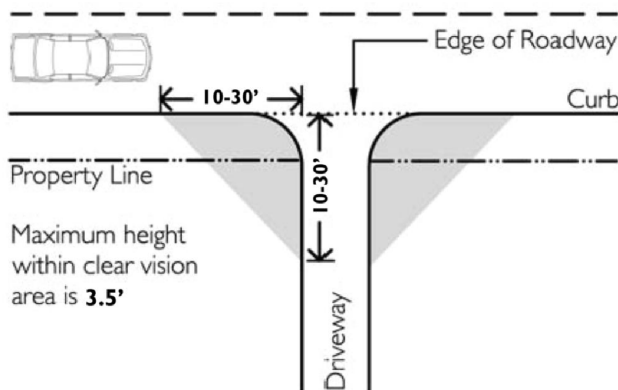
A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding three and one-half feet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

B. A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad (see Figure 15.88-1). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the City.

1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, 10 feet.
2. In all other zones, the minimum distance shall be in relationship to street and road right of way widths as follows:

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

Figure 15.88-1. Clear Vision Areas



Response: As approved and constructed with the development of Lot 64, the existing driveway meets the criteria of this section.

15.88.050 Pedestrian Access and Circulation

A. Purpose and Intent. This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.

B. Standards. New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:

1. Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
2. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
 - a. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
 - b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
 - c. Vehicle/Walkway Separation. Except as required for crosswalks, per subsection 4, below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.
 - d. Crosswalks. Where a walkway crosses a parking area or driveway (“crosswalk”), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.
 - e. Walkway Construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width, except that the City may require five- foot wide, or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than four feet.
 - f. Multi-Use Pathways. Multi-use pathways, where approved, shall be 10 feet wide and constructed of asphalt, concrete or other City-approved durable surface meeting ADA requirements consistent with the applicable City engineering standards.

Response: The proposed use has no office or public areas, doorways/entrance, requiring pedestrian access the site from the public way.

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

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.

Response: The subject property is located in a developed industrial subdivision, where all required utilities and transportation network are present and available to serve the proposed development.

15.90.030 Sewer and Water

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

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.

Response: The subject property is served by an existing sewer service line and water line stubbed to the property with the original subdivision. These services are adequate for the proposed use.

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.

Response: The submitted site plan proposes on site storage and disposal area for the storm water generated on site with no discharge downstream. No water courses traverse the site, and no upstream source is present requiring provisions for additional flows.

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.

Response: The subject property is a platted lot in an improved subdivision, and all utility services have been stubbed to the property line. All extension of service lines will conform to these standards.

15.90.060 Public Street/Highway Improvement

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

- A.** Installation of additional and/or passing lanes, including pedestrian ways and/or bikeways, within a public street or highway right-of-way existing as of the effective date of this chapter, unless such adversely impacts on-street parking capacities and patterns.
- B.** Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, and/or no new land parcels result.
- C.** Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time when no longer needed.
- D.** Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations, waysides, and, rest areas within a right-of-way existing as of the effective date of this Code. In addition, also exempt are contiguous public-owned property utilized to support the operation and maintenance of public roads and highways provided such is not located within a duly designated Residential Zone, or adjacent to or across the street from a lot or parcel within such a zone.
- E.** The construction, reconstruction, or modification of a public street or highway that is identified as a priority project in a transportation system plan (TSP) or the State Transportation Improvement Plan (STIP) that was duly adopted on or before the effective date of this chapter.
- F.** The design, construction, operation, and maintenance of a tourist-oriented or public wayside.

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.

Response: The subject property is a platted lot in an improved subdivision, and public streets are constructed along the frontage of the lot. No new roadways are proposed or required of this application.

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.

Response: The subject property is a platted lot in an improved subdivision, and right of way dedication and roadway improvements were constructed as part of the original subdivision. However, the present standard right of way requires 2 additional feet of dedication and construction of sidewalks along the frontage of the subject property. As shown on the submitted site plan, the applicant proposes to dedicate and construct as necessary.

15.90.080 Traffic Impact Analysis

A. Purpose. The purpose of this subsection is coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.

B. When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:

1. A change in zoning or a plan amendment designation;
2. Operational or safety concerns documented in writing by a road authority;
3. An increase in site traffic volume generation by [300] Average Daily Trips (ADT) or more;
4. An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;
5. An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;
6. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
7. A change in internal traffic patterns that may cause safety concerns; or
8. A TIA required by ODOT pursuant to OAR 734-051.

Response: The proposed use will generate approximately 20 new trips per day, at the ITE trip rate of 2.5 trips per 1,000 sf of "Mini-warehouse" (151). Therefore, a traffic impact analysis is not required by section.

Chapter 15.202, Summary of Application Types and General Provisions

15.202.010 Purpose and Applicability

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

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

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). The City Planning Official may elect to process a Type I application under a Type II procedure.

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 Application*	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

Response: This application requests a Site Plan Review, subject to Chapter 15.312.

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 – All Residential and Non-Residential
- 15.312.060 Additional Approval Criteria – Non-Residential Development
- 15.312.070 Conditions of Approval
- 15.312.080 Revisions of Plans
- 15.312.090 Performance Assurance

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.

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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 chapter, 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 unless elevated to a Type III review at the discretion of the Planning Official.

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 site plan review 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 Chapter, this Code, 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 City Planning Official, 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, utilities, retaining walls, and other manmade features, both existing and proposed.

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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 City Planning Official.

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. Location of areas designated for snow storage, in accordance with the requirements of Section 18.86.060, and calculations of the area required by the minimum standard and the proposed area.
22. Information necessary to demonstrate compliance with Fire Code including, but not limited to, fire flow, apparatus access, and hydrant spacing.

Response: This application includes a proposed Site Development Plan prepared by Sun Country Engineering & Surveying which depicts the site conditions and proposed improvements as applicable to this section, including, but not limited to: Property Boundary, access aisles, proposed building and improvements, existing trees and topography, hydrants, adjacent streets and rights of way, etc..

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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 City Planning Official). A Traffic Impact Analysis may be required in accordance with Section 15.90.080.
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 City Planning Official). A Traffic Impact Analysis may be required in accordance with Section 15.90.080.

Response: The application includes this Code Narrative along with the Site Development Plan prepared by Sun Country Engineering & Surveying which provides the required information in this section.

F. Landscape plan. If required by the City Planning Official, 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 review authority. An arborist’s report may be required for sites with mature trees that are to be retained and protected.

Response: This application includes a proposed Site Development Plan prepared by Sun Country Engineering & Surveying which depicts the existing site conditions and general proposed landscaping improvement areas and types as applicable to this section. Further detail can be provided on building plan submittal, if necessary and conditioned as such.

G. Architectural drawings. This element of the site plan review, if required by the City Planning Official, 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.

Response: This application includes renderings of the proposed building types, typical footprints and elevations as provided by the manufacturer applicable to this section, along with detailed location on the submitted site plan.

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.

Response: This application includes a proposed Site Development Plan prepared by Sun Country Engineering & Surveying which depicts the existing site conditions and property boundaries as applicable to this section.

I. Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for roadway access control.

Response: This application includes a recent title report, listing all such Exceptions applicable to the subject property.

J. Narrative. A written narrative addressing the applicable criteria listed Section 15.312.050 for residential development and Sections 15.312.050 and 15.312.060 for non-residential development.

K. Other information as determined by the City Planning Official. The City Planning Official 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.

Response: This application includes this Code Narrative along with the Site Development Plan prepared by Sun Country Engineering & Surveying, and other required materials which addresses the applicable code sections required for approval of this Site Plan development.

15.312.050 Approval Criteria – All Residential and Non-Residential

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To ensure that the stated purposes of the site plan review process are met, the review 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 review authority is not authorized as a part of the site plan 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 Code.

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 the applicable procedures in Article 7;
2. The application complies with all 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 applicable Development and Design Standards of Article 5;
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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. 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.
8. 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.
9. 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.
10. All utilities shall be installed underground, unless otherwise specifically approved by the City.
11. 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.

Response: This application materials and this narrative address the criteria referenced in this section, as described by section within.

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 review authority shall also be governed by the criteria below as they evaluate and render a decision on a non-residential development proposal.

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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 review 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.

Response: This proposed site plan development is reflective of the zone, and the use is in harmony with the surrounding development pattern of the area. The site is not remarkable, and does not contain any existing features of interest. The use and surrounding uses, do not lend to pedestrian connectivity within, as there are no public or personnel gathering areas or spaces.

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.

Response: This proposed landscaping proposed is based on native and local vegetation, and is designed for low maintenance, minimal water usage, and heartiness. Specific details and construction level plan can be provided with building permit review to confirm compliance with this section.

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.

Response: This proposal does not contain any basis for any additional limitations on the use, setbacks, or open spaces. The use, as proposed, is in compliance with the criteria set forth within.

V. CONCLUSION:

Based on Applicant’s demonstration of compliance with all applicable review criteria and standards, coupled with submitted plans and materials for Site Plan, meets all applicable La Pine Development Code criteria and standards, thus, warrants approval.

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