



CITY OF LA PINE

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**CITY OF LA PINE PLANNING DIVISION  
 ADMINISTRATIVE DECISION: Minor Partition**

**FILE NO. 04PA-23**

**DECISION DATE:** July 27, 2023

**APPLICANT:** Edward & Shellie Rivera  
 52640 Huntington Road  
 La Pine, OR 97739

**OWNER:** Edward Rivera & Keith Hackbarth  
 52640 Huntington Road  
 La Pine, OR 97739

**SURVEYOR:** Tye Engineering  
 Pam Tennant  
 725 NW Hill Street  
 Bend, OR 97703

**LOCATION:** The subject property is located at 52640 Huntington Road. The lot is identified as Tax Lot 900 on Deschutes County Assessor’s Map 21-10-35AD.

**REQUEST:** The Applicant is requesting Tentative Plat Review to Partition the subject property into two parcels.

**I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:**

*City of La Pine Development Code*

Article 3. Zoning Districts

- Chapter 15.18 Residential Zones

Article 5. Development Standards

- Chapter 15.88 Access and Circulation
- Chapter 15.90 Public Facilities
- Chapter 15.92 Additional Standards for Land Division
- Chapter 15.94 Completion or Assurance of Improvements

Article 7. Procedures

- Chapter 15.204 Application Procedures

Article 9. Land Divisions

- Chapter 15.410 Land Partitions

**II. FINDINGS OF FACT:**

**ZONING:** The subject property is zoned Residential on the La Pine Zoning and Comprehensive Plan Maps.

**SITE DESCRIPTION:** The subject property is 5.30 acres in size total. The size of the proposed parcels is as follows: Parcel 1 – 1.20 acres, Parcel 2 – 4.10 acres. As shown on the aerial image, a dwelling and accessory structure exist on the property. The property is generally level and located outside of any FEMA designated floodway and/or floodplain.

**SURROUNDING ZONING AND USES:** Lots adjacent to the north and east are also zoned Residential. Properties to the south are zoned Residential Multi Family. Properties to the west are within the jurisdiction of Deschutes County, and are zoned RR10. Surrounding uses include other residential uses.

**PUBLIC NOTICE AND COMMENTS:** The City of La Pine sent Notice of Application to the City Council, Planning Commission, and property owners within 100 feet of the subject property. The City will mail the Notice of Decision to the same distribution list. No public comments were received.

**AGENCY/DEPARTMENT COMMENTS:** The City of La Pine requested review and comments from the following departments: City Fire Chief, ODOT, Republic Services, Deschutes County Building, Deschutes County Roadway, City Engineering, City Public Works, and the Office of the State Fire Marshal. All comments received are incorporated herein.

**III. FINDINGS OF FACT:**

**LA PINE DEVELOPMENT CODE**

**Article 3. Zoning Districts**

**Chapter 15.18 Residential Zones**

**Sec. 15.18.100. – Purpose**

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

**Sec. 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.*

**FINDING:** As this application is for a Partition, the use has yet to be determined. The proposed lots will be developed with uses permitted in the Residential Zone and will be reviewed as part of the Site Plan Review process. The criteria does not apply.

**Sec. 15.18.300. - Use regulations.**

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

- A. *Permitted uses (P). Uses allowed outright in the residential zones are listed in Table 15.18-1 with a "P."*

**FINDING:** The Applicant stated in the submitted narrative, "Single Family dwellings are listed in Table 15.18-1 as a "P" Permitted use in the RSF Zone." The partition is for residential purposes. The request complies.

**Sec. 15.18.400. - Development standards.**

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

Standard	RSF	RMF
Minimum density	1 unit per acre (1)	5 units per acre
Maximum density	7 units per acre (2)	40 units per acre
Minimum lot size	None	None for single-family dwelling, cottage cluster development, duplex, or townhomes. Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the same property, provided that urban services are available to serve the development.
Minimum street frontage	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes
Minimum setbacks	—	—
- Front or street-side yard	20 feet	20 feet
- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
Maximum building height	45 feet	45 feet
Maximum lot coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum landscaped area	See <a href="#">chapter 15.82</a>	

**FINDING:** The Applicant stated in the submitted narrative, “Table 15.18-2 – Development standards in the residential zones for zone RSF lists the minimum density of 1 unit per acre and a maximum density of 7 units per acre. The minimum density standard only applies to subdivision, as noted above the proposed 2 parcel partition meets this criterion. There is no minimum lot size. The minimum street frontage is 50 feet. Proposed Parcel 1 will have 179.40 feet of frontage on Huntington Road and 181.98 feet on Pine Place. Parcel 2 will have 422.84 feet of frontage on Huntington Road. Both Parcels meet the frontage criteria. The minimum setbacks for RSF zone for the front or street side yard is 20 feet, side yard of 10 feet, and rear yard of 20 feet. The existing home on Parcel 2 will be 131.62 feet from the front property line, 175.13’ and 205.90’ from the side property lines and 203.76 feet from the rear property line and will meet the setback criteria. The maximum height is 45 feet, and the existing home is approximately 26 feet in height and meets this criterion. The maximum lot coverage is 50%. The existing 2 story home has footprint of 1698 SF which covers 1.0% of the proposed Parcel 2 and meets this criterion.” The Development Standards of Table 15.18-2 will be reviewed again during the building permit process when development is applied for on proposed Parcel 1. The request complies.

## **Article 5. Development Standards**

### **Chapter 15.88 Access and Circulation**

#### **15.88.010 Purpose**

*Chapter 15.88 contains standards for vehicular and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating vehicle access to individual properties, as needed.*

**15.88.020 Applicability**

*Chapter 15.88 applies to new development and changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the City supersede City standards, Chapter 15.88 applies to all connections to a street or highway, and to driveways and walkways.*

**15.88.030 Vehicular Access and Circulation**

- A. Purpose and Intent. Section 15.88.030 implements the street access guidelines of the City of La Pine Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.*
- B. Permit Required. Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.*

**FINDING:** The Applicant stated in the submitted narrative that "Parcel 1 will take access from Pine Place from an existing dirt road and Parcel 2 will take access from Huntington Road at the existing driveway as shown on the submitted tentative partition map. The applicant will apply for the required access permits." In comments received from Erik Huffman, Contract Engineer with the city, he stated "No driveway shall access Pine Place less than 200' from Huntington Rd, as measured from the intersection of the centerlines of the two roads." These requirements have been included as conditions of approval, and with those conditions the request complies.

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

**FINDING:** The Applicant will submit a traffic study as part of a Site Plan Review application for the development of the proposed lots. The criteria does not apply.

- 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 developments, 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.*

**FINDING:** Huntington Road per the TSP is classified as an Arterial Street while Pine Place is not addressed. Parcel 1 will be located at the southeast corner of Huntington Road (179.40 feet of frontage), and Pine Place (181.98 feet of frontage). Parcel 2 will abut Huntington Road with 422.84 feet of frontage. Access to Parcel 1 will be via a new access point from Pine Place, and access to Parcel 2 will be via an existing access driveway from Huntington Road. No further restrictions through the above techniques are necessary, the request complies.

2. *Consideration of the following traffic and facility improvements for access management.*

- a. *Providing of acceleration, deceleration, and right-turn-only lanes.*
- b. *Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.*
- c. *Installation of median barriers to control conflicts associated with left turn movements.*
- d. *Installing side barriers to the property along the serving arterial or collector to restrict access width to a minimum.*

**FINDING:** No site improvements are proposed at this time; therefore, street improvements will not be required. However, street improvements will be required as part of site plan review for future site development. The request complies.

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

**FINDING:** The subject property does not abut a state highway. The criterion does not apply.

- F. *Other Agency Approval. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.*

**FINDING:** The subject properties do not cross a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency. The criterion does not apply.

- G. *Exceptions and Adjustments. The City may approve adjustments to the spacing standards of subsections above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance.*

**FINDING:** The Applicant is not requesting an exception to spacing standards currently.

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

**FINDING:** Access is offered from Huntington Road and Pine Place. A joint use driveway is not requested currently. The criterion does not apply.

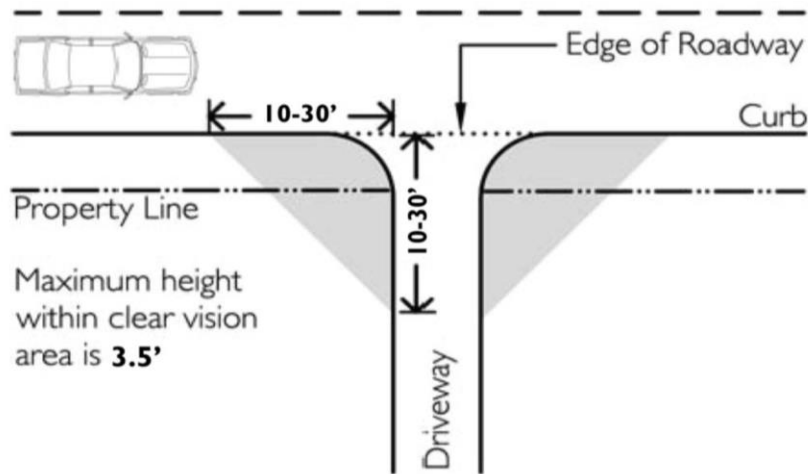
**15.88.40 Clear Vision Areas (Visibility at Intersections)**

- A. *In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.*
- B. *A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad (see Figure 18.88-1). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the City.*
  1. *In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, 10 feet.*
  2. *In all other zones, the minimum distance shall be in relationship to street and road right of way widths as follows:*

<b>Right of way Width</b>	<b>Clear vision</b>
80 feet or more	20 feet
Less than 80 feet	30 feet



**Figure 15.88-1. Clear Vision Areas**



**FINDING:** Applicant shall submit detailed drawings that demonstrate compliance of the clear vision requirements set forth in 15.88.040 for review during the Site Plan Review and building permit processes.

#### **15.88.50 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:
  3. *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.
  4. *Safe, Direct, and Convenient.* Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:
    - a. *The walkway is reasonably direct.* A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of- direction travel.
    - b. *The walkway is designed primarily for pedestrian safety and convenience,* meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.



- c. *Vehicle/Walkway Separation. Except as required for crosswalks, per subsection 4, below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.*
- d. *Crosswalks. Where a walkway crosses a parking area or driveway (“crosswalk”), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver- visibility of pedestrians.*
- e. *Walkway Construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width, except that the City may require five- foot wide, or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than four feet.*
- f. *Multi-Use Pathways. Multi-use pathways, where approved, shall be 10 feet wide and constructed of asphalt, concrete or other City-approved durable surface meeting ADA requirements consistent with the applicable City engineering standards.*

**FINDING:** In comments received from Erik Huffman, Contract Engineer with the city, he stated “The developer shall dedicate 9 feet of public right of way along the project frontage for Huntington Road and 7’ right-of-way along the entirety of frontage on Pine Place. The right of way may be dedicated on the final plat. The right-of-way dedication does not affect area and dimension requirements of the zone.

## **Article 5. Development Standards**

### **Chapter 15.90 Public Facilities**

#### **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.*

**FINDING:** The above duties have been addressed through the conditions of approval, and shall be complied with. The request complies.

- B. Over-Sizing. The City may require as a condition of development approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan, and the City may authorize other cost-recovery or cost-sharing methods as provided under state law.*

**FINDING:** The above duties have been addressed through the conditions of approval, and shall be complied with. The request complies.

- 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.*

**FINDING:** Street improvements are not required currently.

- D. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of a proposed land development, and when the City finds it will be practical to require dedication and improvement of the other half of the street when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved.*

**FINDING:** The Applicant has not included any proposals for half streets in the submitted tentative plan.

#### **15.90.30 Sewer and Water**

- A. Sewer and Water Plan Approval. Development permits for sewer and water improvements shall not be issued until the Public Works Director has approved all sanitary sewer and water plans in conformance with City standards.*
- B. Inadequate Facilities. Development permits may be restricted or rationed by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The City may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed with backup power.*

**FINDING:** In comments received by Erik Huffman, Contract Engineer for the city, he stated “If development on the lots is to occur prior to installation of City sewer services in this neighborhood, each parcel shall be served by individual septic systems on site until public sewer services are available. Prior to issuance of building permits, Deschutes County Environmental Health septic system approval shall be required for each septic system for each lot.” That statement has been included as a condition of approval. In his comments to staff, Erik did not indicate the presence of inadequate facilities. The request complies.

#### **15.90.40 Stormwater**

- A. *Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.*
- B. *Effect on Downstream Drainage. Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.*

**FINDING:** As no structures are being built at this time, stormwater will be addressed during the Site Plan Review process of the three proposed lots.

#### **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.*

**FINDING:** The applicant stated in their application that they “will coordinate with the applicable utility providers for utility installation when applying for a new home construction on Parcel 1.” To ensure compliance, a condition of approval is included requiring that all utilities be installed underground. With that condition, the request complies.

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

**FINDING:** The Applicant is not proposing any new subdivisions. The criteria does not apply.

- D. *Exception to Undergrounding Requirement. The City may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.*

**FINDING:** The Applicant has not indicated any request for an exception. The criterion does not apply.

**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.*

**FINDING:** Pedestrian/bikeways are not proposed or required at this time.

- 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.*

**FINDING:** No street improvements are required currently.

- 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.*

**FINDING:** The proposed development does not include any temporary public roads or highway detours.

- 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.*

**FINDING:** Upon land use approval, construction plans that include all proposed and/or required public improvements, water/sewer service connections, and utilities shall be submitted to the City for review and approval, prior to construction. Construction plans shall have a signature line for La Pine Public Works Manager and Deschutes County Engineer.

- 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.*

**FINDING:** No modification of a public street is required currently.

- F. *The design, construction, operation, and maintenance of a tourist-oriented or public wayside.*

**FINDING:** The proposed development is not of a tourist-oriented or public wayside. The criterion does not apply.

**15.90.070 Design of Streets and Other Public Facilities**

- A. *Traffic circulation system. The overall street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. An analysis of the proposed traffic circulation system within the land division, and as such system and traffic generated there from affects the overall City of La Pine transportation, will be required to be submitted with the initial land division review application. The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby.*

**FINDING:** The City Engineering Consultant and Public Works Manager have reviewed the tentative plan for its' traffic circulation system. No further improvements are needed at this time. The request complies.

- B. *Street location and pattern. The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:*
1. *Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*
  2. *Conform to a plan for the general area of the development approved by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and*
  3. *Conform to the adopted La Pine Transportation System Plan as may be amended.*

**FINDING:** The following aspects are shown on the submitted site plan.

- C. *Access Ways. The City, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable, and the access way connects the end of the street to another street, a park, or a public access way. Where an access way is required, it shall be not less than 10 feet wide and shall contain a minimum six-foot-wide paved surface or other all-weather surface approved by the City. Access ways shall be contained within a public right-of-way or public access easement, as required by the City.*

**FINDING:** Access ways are not proposed or required at this time. The criterion does not apply.

- D. *Future street extensions. Where necessary to give access to or permit future subdivision or development of adjoining land, streets shall be extended to the boundary of the proposed development or subdivision. Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed subdivision. The street plan is not binding, but is intended to show potential future street extensions with future development. The plan must demonstrate, pursuant to City standards, that the proposed development does not preclude future street connections to adjacent development land. Wherever appropriate, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. Street ends shall contain turnarounds*

*constructed to Uniform Fire Code standards, as the City deems applicable, and shall be designed to facilitate future extension in terms of grading, width, and temporary barricades.*

**FINDING:** City staff do not anticipate any need for future street extensions. The criterion does not apply.

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

**FINDING:** In comments received from Erik Huffman, Contract Engineer with the city, he stated “The 9 feet of right-of-way along the entirety of frontage on Huntington Road and 7’ right-of-way along the entirety of frontage on Pine Place shall be dedicated to the public on the partition plat.” This is required in accordance with the La Pine Transportation System Plan, and has been conditioned within this report. With that condition, the request complies.

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

**FINDING:** A 6’ sidewalk shall be required for the full frontage of the proposed parcels along Huntington Road. The applicant has requested a fee in lieu of constructing this improvement. In comments received from Erik Huffman, Contract Engineer with the city, he stated “Prior to recording the partition plat, the applicant shall construct the required public improvements (swale and sidewalk) as approved, or provide a performance bond prior to construction in the amount of 120% of their estimate cost. The cost estimate shall be reviewed and approved by the City. Prior to construction, a pre-construction meeting with the construction contractor shall be held prior to notice to proceed from the City.” With that condition, the request complies.

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

**FINDING:** The City does not require bike lanes currently. The criterion does not apply.

- H. Cul-de-sacs. A cul-de-sac street shall only be used where the City determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable City requirements preclude a street extension. Where the City determines that a cul-de-sac is allowed, all of the following standards shall be met:*

- 1. The cul-de-sac shall not exceed a length of 400 feet, except where the City through a Type II procedure determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.*



2. *A cul-de-sac shall terminate with a circular turn around with a minimum radius of 45 feet of paved driving surface and a 50 foot right-of-way and meeting the Uniform Fire Code.*
3. *The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands.*

**FINDING:** The Applicant is not proposing any new cul-de-sacs. The criterion does not apply.

- I. *Marginal access streets. Where a land development abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with suitable depth, screen- plantings contained in a non-access reservation strip along the rear or side property line or other treatments deemed necessary for adequate protection of residential properties and the intended functions of the bordering street, and to afford separation of through and local traffic.*

**FINDING:** The proposed development does not abut nor contain an existing arterial street. Criterion does not apply.

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

**FINDING:** The proposed development does not contain nor is adjacent to a railroad right-of-way. Criterion does not apply.

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

**FINDING:** The Applicant is not proposing any need to control access to any streets. Criterion does not apply.

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

**FINDING:** The Applicant is not proposing any new streets. Criterion does not apply.

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

**FINDING:** The Applicant is not proposing any new streets. Criterion does not apply.



- 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.*

**FINDING:** The Applicant is not proposing any new streets. Criterion does not apply.

- 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.*

**FINDING:** The Applicant is not proposing any new streets. Criterion does not apply.

- 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.*

**FINDING:** The Applicant is not proposing any new streets. Criterion does not apply.

- 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.*

**FINDING:** The Applicant is not proposing any new streets. Criterion does not apply.

- R. *Traffic control signs. Traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.*

**FINDING:** The Applicant is not proposing any new streets that would require traffic control signs. Criterion does not apply.

- S. *Alleys. Alleys are not necessary in residential developments, but may be required in commercial and industrial developments unless other permanent provisions for access to off-street parking and loading facilities are approved by the city.*

**FINDING:** The Applicant is not proposing any new alleys. Criterion does not apply.

- T. *Curbs. Curbs shall be required on all streets in all developments, and shall be installed by the developer in accordance with standards set forth by the city unless otherwise approved by the city. Approval of streets without curbs shall be at the discretion of the City Engineer, and shall be so determined during the tentative plan land division review process on the basis of special circumstances to the development.*

**FINDING:** A 6' sidewalk shall be required for the full frontage of the proposed parcels along Huntington Road, which includes curbs. The applicant has requested a fee in lieu of constructing this improvement. In comments received from Erik Huffman, Contract Engineer with the city, he stated "Prior to recording the partition plat, the applicant shall construct the required public improvements (swale and sidewalk) as approved, or provide a performance bond prior to construction in the amount of 120% of their estimate cost. The cost estimate shall be reviewed and approved by the City. Prior to construction, a pre-construction meeting with the construction contractor shall be held prior to notice to proceed from the City." With that condition, the request complies.

- U. Street lights. Street lights may be required and, if so required, shall be installed by the developer in accordance with standards set forth by the city and the serving utility company. Streets lights, if required, shall include one (1) fixture and be located at the intersection of streets.*

**FINDING:** The Applicant does not anticipate the installation of streetlights.

- V. Utilities. The developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.*

**FINDING:** All utilities will be underground per these standards.

- W. Drainage facilities. Drainage facilities shall be provided as required by the City in accordance with all applicable City and Oregon Department of Environmental Quality standards.*

**FINDING:** Drainage facilities will be reviewed with the development of the proposed lots.

- X. Gates. Except where approved as part of a Master Planned Development, private streets and gated drives serving more than two dwellings (i.e., where a gate limits access to a development from a public street), are prohibited.*

**FINDING:** The Applicant is not proposing any new private streets that would require gates. Criterion does not apply.

#### **15.90.80 Traffic Impact Analysis**

- A. Purpose. The purpose of this subsection is coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.*
- B. When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:*

1. *A change in zoning or a plan amendment designation;*
  2. *Operational or safety concerns documented in writing by a road authority;*
  3. *An increase in site traffic volume generation by [300] Average Daily Trips (ADT) or more;*
  4. *An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;*
  5. *An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;*
  6. *Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;*
  7. *A change in internal traffic patterns that may cause safety concerns; or*
  8. *A TIA required by ODOT pursuant to OAR 734-051.*
- C. *Traffic Impact Analysis Preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.*
- D. *Waiver or Deferral. The City may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (1) through (4) is met. Where the City agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.*
1. *The standard improvement conflicts with an adopted capital improvement plan.*
  2. *The standard improvement would create a safety hazard.*
  3. *It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.*
  4. *The improvement under consideration is part of an approved partition in the [RL or RM] and the proposed partition does not create any new street.*

**FINDING:** The Applicant is not requesting a waiver or deferment currently. These criteria do not apply.

## **Article 5. Development Standards**

### **Chapter 15.92 Additional Standards for Land Division**

#### **15.92.10 Lots and Blocks.**

**La Pine Community Development Department – Planning Division**  
**PO Box 2460 16345 Sixth Street La Pine, Oregon 97739**  
**Phone: (541) 536-1432 Fax: (541) 536-1462 Email: [info@ci.la-pine.or.us](mailto:info@ci.la-pine.or.us)**

- A. *Blocks. The resulting or proposed length, width and shape of blocks shall take into account the requirements for adequate building lot sizes, street widths, access needs and topographical limitations.*
1. *No block shall be more than 660 feet in length between street corner lines with a maximum 1,400-foot perimeter unless it is adjacent to an arterial street, or unless topography or the location of adjoining streets justifies an exception, and is so approved by the reviewing authority.*
  2. *The recommended minimum length of a block along an arterial street is 1,260 feet.*
  3. *A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception; a standard exception is a block in which the building lots have rear yards fronting on an arterial or collector street.*

**FINDING:** The Applicant is not proposing any new streets that would result in new blocks. Criteria do not apply.

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

**FINDING:** The Residential Zone does not have any requirements for lot size. The proposed lots have street frontage orientation for access. Proposed Parcel 1 will be the only property not to contain existing development after the request has been approved. Parcel 1 will contain 1.20 acres, which is more than enough space and lot area to accommodate setbacks and lot coverage restrictions. The request complies.

- C. *Access. Each resulting or proposed lot or parcel shall abut upon a public street, other than an alley, for a width of at least 50 feet except as otherwise provided for in this Code (e.g., for townhomes). For lots fronting on a curvilinear street or cul-de-sac, the City may approve a reduced width, but in no case shall a width of less than 35 feet be approved.*

**FINDING:** As demonstrated in the preliminary partition map, Parcel 1 will abut Pine Place for a distance of 181.98 feet. Parcel 2 will abut Huntington Road for a distance of 485.29 feet. The request complies.

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

**FINDING:** Side lot lines for Parcels 1 and 2 are at right angles to Huntington Road and Pine Place. The request complies.

- E. *Division by boundary, ROW, and drainage ways. No lot or parcel shall be divided by the boundary line of the city, county or other taxing or service district, or by the right-of-way of a street, utility line or drainage way, or by an easement for utilities or other services, except as approved otherwise.*

**FINDING:** The Applicant is not proposing to divide the property by any of the means listed above. The request complies.

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

**FINDING:** No grading, cutting, or filling is proposed through the request. However, to ensure compliance, a condition of approval is included stating that if any grading, cutting, or filling exceeds the standards of 15.92.10(F), the Applicant shall submit grading plans to the City for review and approval prior to final platting or construction.

- G. *Through or double-frontage lots and parcels. Through or double-frontage lots and parcels are to be avoided whenever possible, except where they are essential to provide separation of residential development and to avoid direct vehicular access from major traffic arterials or collectors, and from adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. When through or double-frontage lots or parcels are desirable or deemed necessary, a planting screen easement of at least four to six feet in width, and across which there shall be no right of vehicular access, may be required along the line of building sites abutting such a traffic way or other incompatible uses.*

**FINDING:** The subject property is not a through or double-frontage lot, and the Applicant is not proposing to create any through or double-frontage lots.

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

**FINDING:** The Applicant is not proposing any special building setback lines. All necessary setbacks will be reviewed in detail during the building permit review process.

- I. *Large building lots; redivision. In the case where lots or parcels are of a size and shape that future redivision is likely or possible, the City may require that the blocks be of a size and shape so that they may be redivided into building sites as intended by the underlying zone. The development approval and site restrictions may require provisions for the extension and opening of streets at intervals which will permit a subsequent redivision of any tract of land into lots or parcels of smaller sizes than originally platted.*

**FINDING:** The partition does not include large lots nor new streets or blocks.

#### **15.92.20 Easements**

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

**FINDING:** The required utility easements are shown on the submitted plans.

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

**FINDING:** City staff are not aware of any water courses that traverse the subject property and the City does not anticipate a need for a stormwater or drainage easement/right-of-way at this time.

- C. *Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian and/or bicycle way of not less than 10 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to*



*facilitate pedestrian and bicycle traffic as an alternative mode of transportation. Improvement of the easement with a minimum 5-foot wide paved or other suitable surface will be required.*

**FINDING:** The proposal is a minor partition and does not include a subdivision or permanent cul-de-sac. The criterion does not apply.

- D. Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the City Public Works Department and/or Water and Sewer District.*

**FINDING:** No additional easements for sewer or water lines are required at this time. The criteria does not apply.

### **15.92.30 Land for Public Purposes**

- A. If the City has an interest in acquiring a portion of a proposed development for a public purpose, it shall notify the property owner as soon as the City Council authorizes the transaction to proceed.*
- B. Within a development, or adjacent to a development in contiguous property owned by the developer, a parcel of land of not more than 5% of the gross area of the development may be required to be set aside and dedicated to the public for parks and recreation purposes by the developer. The parcel of land, if required, shall be determined to be suitable for the park and/or recreation purpose(s) intended, and the city may require the development of the land for the park or recreation use intended or identified as a need within the community.*
- C. In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.*
- D. If there is a systems development charge in effect for parks, the foregoing land and development or money dedication (if required) may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency in accordance with the applicable provisions of the system development charge ordinance. If the collecting agency will not permit the land or money dedication in lieu of an applicable systems development charge, then the land and development or money dedication shall not be required.*

**FINDING:** The City has not identified any need to acquire a portion of the proposed development for any other public purpose besides transportation/access, nor is there a systems development charge in effect for parks.

## **Article 5. Development Standards**

### **Chapter 15.94 Improvement Procedures and Guarantees**

#### **15.94.010 Improvement Procedures**



*Improvements to be installed by the developer, either as a requirement of this chapter, conditions of approval or at the developer's option as proposed as a part of the subject development proposal, shall conform to the following requirements.*

- A. Plan review and approval. Improvement work shall not be commenced until plans therefore have been reviewed and approved by the City or a designated representative thereof. The review and approval shall be at the expense of the developer.*
- B. Modification. Improvement work shall not commence until after the City has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the City is notified and approval thereof granted.*
- C. Improvements as platted. Improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the City.*
- D. Inspection. Improvement work shall be constructed under the inspection and approval of an inspector designated by the City, and the expenses incurred therefore shall be borne by the developer. Fees established by the City Council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.*
- E. Utilities. Underground utilities, including, but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets shall be constructed by the developer prior to the surfacing of the streets.*
- F. As built plans. As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the City upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements.*

**FINDING:** To ensure compliance, a condition of approval is included stating that the Applicant shall comply with the requirements of 15.94.010. All infrastructure construction plans shall be submitted to the City for review and approval prior to construction and/or final platting. All utilities shall be installed underground prior to the surfacing of streets. As-builts for public improvements shall be filed with the final plat. With that condition, the request complies.

#### **15.94.020 Completion or Assurance of Improvements**

- A. Agreement for improvements. Prior to final plat approval for a subdivision, partition, PUD or other land development, or the final approval of a land use or development pursuant to applicable zoning provisions, where public improvements are required, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the City an agreement between him/herself and the City specifying the period in which improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, that the City may complete the work and*

*recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the City for the cost of inspection and other engineer services directly attributed to the project.*

- B. Bond or other performance assurance. The developer shall file with the agreement, to assure his/her full and faithful performance thereof, one of the following, pursuant to approval of the City Attorney and City Manager, and approval and acceptance by the City Council.*
- 1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.*
  - 2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.*
  - 3. Cash deposit.*
  - 4. Such other security as may be approved and deemed necessary by the City Council to adequately assure completion of the required improvements.*
- C. Amount of security required. The assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20% for contingencies.*
- D. Default status. If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the City shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the City, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.*

**FINDING:** No bond or performance assurance is required or requested at this time.

## **Article 7. Procedures**

### **Chapter 15.204 Application Procedures**

#### **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.*

**FINDING:** The Applicant submitted an application, tentative plan, burden of proof, fee, and supporting materials required for Type II review for a minor partition. The request complies.

*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.*

**FINDING:** The City mailed notice of the pending administrative decision to nearby property owners and the standard agency list on June 8, 2023, providing the opportunity to submit written comments on the application.

2. *The comment period shall be at least 14 days duration from the date notice was mailed or 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.*

**FINDING:** The City provided a comment period for at least 14 days from the date the notice was mailed, in compliance with this standard.

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;*
- d. *The Planning Commission;*
- e. *Any neighborhood or community organization formally recognized by the City Council, whose boundaries include the site;*
- f. *Any person who submits a written request to receive a notice; and*
- g. *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.*

**FINDING:** The City provided notice to all parties entitled to notice, as noted above.

- 4. *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 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.*

**FINDING:** The notice provided by the City included this minimum required information, in compliance with this procedure.

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.*

**FINDING:** Staff reviewed all comments received and prepared this decision after review of the comments. The decision was prepared based on the City's required criteria and comments submitted not related to these criteria were not incorporated. The City provides these findings and the associated decision in accordance with this procedural requirement, documenting all applicable criteria and the facts relied upon to determine how/whether the Applicant's request meets the criteria and standards. Therefore, the request complies.

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 15.202.020 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 15.204.030; 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.*

**FINDING:** The application was not referred to Planning Commission and is being processed administratively, with findings and conditions herein.

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.*
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 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 F.*

**FINDING:** Notice of this decision will be prepared and mailed by the City in accordance with these requirements.

- 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 F or the decision is called up for review by the City Council pursuant to Subsection 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.*

**FINDING:** This decision will become effective 12 days after the City mails notice of the decision unless it is appealed at which point these standards will be followed.

*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. Appeals shall be filed in accordance with Chapter 15.212.*

*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.*

**FINDING:** The application was not referred to the Planning Commission and is being processed administratively, with findings and conditions herein. If the Council initiates review of the administrative decision, these procedures will be followed.

## **Article 9. Land Divisions**

### **Chapter 15.410 Land Partitions**

#### **15.410.10 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.*

**FINDING:** The Applicant is requesting a partition to divide the existing parcel into two parcels. Since no new streets or roads are created for access to one or more of the parcels created by the partitioning, this is considered a minor partition and reviewed in accordance with the Type II 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.*

**FINDING:** The Applicant is not requesting any of the exemptions set forth in LPDC section 15.410.010 (B).

#### **15.410.20 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 Planning Official.*

**FINDING:** The approval is based on the materials submitted by the applicant. Where specific improvements have been proposed and approved as submitted, the construction of those improvements shall be a condition of approval, even if not expressly listed herein, unless modified by an express Condition of Approval. Any substantial alteration to the approved minor partition, beyond those that may be required to comply with the conditions of this approval, will require a new application.

*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.*

**FINDING:** The Applicant submitted a tentative plan with the proposed parcels, meeting the scale and format specified on the application form. The request complies.

*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 landowner, 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.*

**FINDING:** The Applicant submitted a tentative plan and has met the requirements set forth in LPDC section 15.410.020 (C). The request complies.

### **15.410.30 Decisions - Partitions**

*A. Minor partition. Review of a minor partition shall follow the Type II review procedures in Article 7.*

**FINDING:** The Applicant is requesting a partition to divide the existing parcel into two parcels. Since no new streets or roads are created for access to one or more of the parcels created by the partitioning, this is considered a minor partition and reviewed in accordance with the Type II procedures in Article 7.

*B. Major partition. Review of a major partition shall follow the Type III review procedures in Article 7.*

**FINDING:** The Applicant is requesting a minor partition. The criterion does not apply.

- 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.*

**FINDING:** The Applicant is for a minor partition. The criterion does not apply.

- 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.*

**FINDING:** The Applicant shall follow these procedures. Requirement is satisfied with the Conditions of Approval below.

- 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.*

**FINDING:** Density, lot area, dimensions, setbacks, and coverage standards will be reviewed during the Site Plan Review and building permit process.

- 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.*

**FINDING:** As the request is for a Partition, an intended use has not been identified yet. Public services are addressed in the Conditions of Approval and will also be addressed with the development of the proposed parcels.

- 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.*

**FINDING:** The proposal is for land division through a minor partition. City staff does not anticipate any impact or unreasonable additional demands on the public services at this time. The Public Works Manager confirmed future capacity in the future water and sewer systems. As such, the proposed Partition does not have identifiable adverse impacts on adjoining or area land uses, public services or resource carrying capacities, in accordance with this requirement. The request complies.

- 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.*

**FINDING:** The Applicant requested a minor partition. The criterion does not apply.

**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 partitioner 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.*

**FINDING:** The Applicant shall follow these final map requirements at the time of final map submittal.

**IV. DECISION:**

Approved, subject to the conditions of approval identified below.

**V. CONDITIONS OF APPROVAL**

1. Approval is based on the materials submitted by the applicant. Where specific improvements have been proposed and approved as submitted, the construction of those improvements shall be a condition of approval, even if not expressly listed herein, unless modified by an express Condition of Approval. Any substantial alteration to the approved minor partition, beyond those that may be required to comply with the conditions of this approval, will require a new application.
2. Within two (2) years of approval of the partition, the partitioner shall have prepared and submitted to the City Planner or other duly designated City representative a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.
3. The final map shall provide a certificate for approval of the subject partition by the City Planner or other duly designated City representative. 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.

4. Upon approval, the partitioner 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 Planner or County Surveyor. The County Surveyor may request an additional number of copies required at the time of final plat review if deemed appropriate.
5. 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, and shall be met.
6. If any grading, cutting, or filling exceeds the standards of 15.92.10(F), the Applicant shall submit grading plans to the City for review and approval prior to construction or final platting.
7. An ongoing condition of approval requires that all utilities be installed underground, unless otherwise approved by the city.
8. The Applicant shall comply with the requirements of 15.94.010. All infrastructure construction plans shall be submitted to the City for review and approval prior to construction and/or final platting. As-builts for public improvements shall be filed with the final plat.
9. Upon land use approval or building permit application, construction plans that include all proposed and/or required public improvements, water/sewer service connections, site grading/drainage and utilities shall be submitted to the City for review and approval, prior to construction. The stormwater drainage design shall comply with Central Oregon Stormwater Manual and shall include calculations to support the design.
10. If development on the lots is to occur prior to installation of City sewer services in this neighborhood, each parcel shall be served by individual septic systems on site until public sewer services are available. Prior to issuance of building permits, Deschutes County Environmental Health septic system approval shall be required for each septic system for each lot.
11. If development on the lots is to occur prior to installation of City water services in this neighborhood, each parcel shall be served by individual wells on site until public water services are available. Prior to issuance of building permits, appropriate permits and approvals shall be granted by the Oregon Water Resources Department.
12. All work within Deschutes County right-of-way requires approval from the Deschutes County Road Department.
13. Driveways shall access lower classification roadways (Parcel 1 shall take access from Pine Place).
14. No driveway shall access Pine Place less than 200' from Huntington Rd, as measured from the intersection of the centerlines of the two roads.
15. Prior to final plat approval:

- a. The developer shall dedicate 9 feet of public right of way along the project frontage for Huntington Road and 7' right-of-way along the entirety of frontage on Pine Place. The right of way may be dedicated on the final plat.
- b. Applicant shall design and construct drainage swales for the full frontage of Huntington Road, to contain stormwater runoff from the subject property's side of the Huntington Rd centerline as well as runoff from the sidewalk. Drainage calculations, swale designs and sidewalk designs shall be reviewed and approved by the City Engineer and the Deschutes County Roadway Engineer.
- c. Engineered construction plans that include all proposed public improvements (swales and sidewalks) shall be submitted to the City and to the Deschutes County Road Department for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Manager and for Deschutes County Road Department.
- d. The developer shall construct a 6' wide sidewalk for the full frontage of Huntington Road within and adjacent to the back of the right-of-way, in accordance with City sidewalk design standards.
- e. The developer shall construct the required public improvements (swale and sidewalk) as approved, or provide a performance bond prior to construction in the amount of 120% of their estimate cost. The cost estimate shall be reviewed and approved by the City. Prior to construction, a pre-construction meeting with the construction contractor shall be held prior to notice to proceed from the City.
- f. The City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.

**DURATION OF APPROVAL:** This approval shall lapse, and a new approval shall be required, if the use approved in this permit is not initiated within two (2) years of the date that this decision becomes final, or if development of the site is in violation of the approved plan or other applicable codes.

**THIS DECISION BECOMES FINAL TWELVE (12) DAYS AFTER THE DATE MAILED, UNLESS APPEALED BY THE APPLICANT OR A PARTY OF INTEREST IN ACCORDANCE WITH ARTICLE 7 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE.**



**Brent Bybee, Principal Planner**  
City of La Pine

**Date:** July 27, 2023