

NARRATIVE
RIVERA PARTITION

OWNER & DEVELOPER:

Edward Rivera & Keith Hackbarth
52640 Huntington Road
La Pine, Oregon 97739

SURVEYING:

Tye Engineering & Surveying, Inc.
725 NW Hill Street
Bend, Oregon 97703

REQUEST: Partition to create 2 parcels, Parcel 1 - 1.20 acres and Parcel 2 – 4.10 acres

ZONE: RSF - Residential Single Family on La Pine Zoning map and Residential on Comprehensive plan.

PROPERTY: 52640 Huntington Road, assigned tax lot 900 on Tax Assessors map 211035AD.

LEGAL LOT OF RECORD: The property was legally created as Lot 14B, Lazy River South Tracts, Lazy River South subdivision.

PROPERTY DESCRIPTION: The property is 5.30 acres in size bounded by Huntington Road on the West, Pine Place on the North, BLM to the South and 3 lots from Lazy River South to the East. The property is relatively flat with numerous scatterings of Lodgepole and Ponderosa pine trees. There is one existing single-family dwelling and shop building.

LAND USE HISTORY: The property was approved for a 3-parcel partition, file no. 06PA-21 dated January 3, 2022.

CRITERIA:

Article 3 – Zoning Districts

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.

RESPONSE: *The RSF zone allows for 1 to 7 dwelling units per gross acre. The minimum density standard only applies to subdivision therefore this criterion is met.*

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."

RESPONSE: *Single Family dwellings are listed in Table 15.18-1 as a "P" Permitted use in the RSF zone.*

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.

RESPONSE: *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.

Sec. 15.18.500. - Additional standards.

A. RSF zone. The following standards apply to all development in the RSF zone:

1. No dwelling structures shall have visible, unclosable openings, which allow penetration of air, outside elements, or animals into the structure's interior, except for screened-in porches.
2. All dwelling structures shall be placed on a basement foundation, concrete pad or piers, or other permanent foundation and secured, anchored, or tied down in accordance with the current International Building Code and all other applicable FHA requirements.
3. See [article 5](#) for additional development standards.

RESPONSE: *The applicant is not proposing a dwelling with this partition application but understands that any future dwelling will need to meet this criterion.*

Sec. 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.

Sec. 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.

Sec. 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.

RESPONSE: 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.

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 Development Code.

RESPONSE: Parcel 2 currently has an existing home and no home on Parcel 1 is proposed with this partition. A traffic impact analysis per 15.90.080 is not required for this partition.

D. *Approach and driveway development standards.* Access management restrictions and limitations consist of provisions managing the number of access points and/or providing traffic and facility improvements that are designed to maximize the intended function of a particular street, road or highway. The intent is to achieve a balanced, comprehensive program which provides reasonable access as new development occurs while maintaining the safety and efficiency of traffic movement. Intersections, approaches and driveways shall conform to access spacing guidelines in the City of La Pine Transportation System Plan and the roadway authority's engineering standards. In the review of all new development, the reviewing authority shall consider the following techniques or considerations in providing for or restricting access to certain transportation facilities.

1. Access points to arterials and collectors may be restricted through the use of the following techniques:

a. Restricting spacing between access points based on the type of development and the speed along the serving collector or arterial.

b. Sharing of access points between adjacent properties and developments.

c. Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.

d. Constructing frontage or marginal access roads to separate local traffic from through traffic.

e. Providing service drives to prevent overflow of vehicle queues onto adjoining roadways.

RESPONSE: Huntington Road is a Deschutes County Road classified as a City Collector and Pine Place is a local road. Parcel 1 will take access from Pine Place and Parcel 2 will use the existing access from Huntington Road. No new access is being proposed in this application.

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

a. Providing of acceleration, deceleration and right-turn-only lanes.

b. Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.

c. Installation of median barriers to control conflicts associated with left turn movements.

d. Installing side barriers to the property along the serving arterial or collector to restrict access width to a minimum.

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

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

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

H. *Joint use access easement and maintenance agreement.* Where the city approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall

provide a fully executed copy of the agreement to the city for its records, but the city is not responsible for maintaining the driveway or resolving any dispute between property owners.

RESPONSE: *The applicant does not anticipate that any additional traffic improvements will be necessary for the proposed 2 parcel partition.*

Sec. 15.88.040. - Clear vision areas (visibility at intersections).

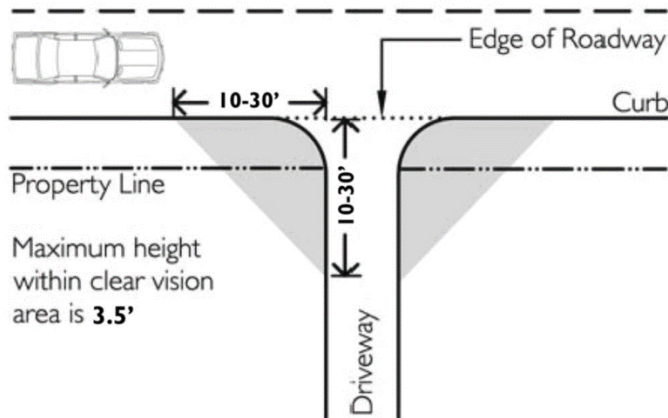
A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding 3½ feet in height, measured 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, ten feet.
2. In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:

<i>Right-of-Way Width</i>	<i>Clear vision</i>
80 feet or more	20 feet
Less than 80 feet	30 feet

Clear Vision Area



RESPONSE: *The applicant understands the existing and proposed driveway accesses will be required to meet the criteria for clear vision areas.*

Sec. 15.88.050. - Pedestrian access and circulation.

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

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

1. *Continuous walkway system.* A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.

2. *Safe, direct, and convenient.* Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:

a. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.

b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The city may

require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.

c. Vehicle/walkway separation. Except as required for crosswalks, per subsection d., below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the city may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.

d. Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.

e. Walkway construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other city-approved durable surface meeting ADA requirements. Walkways shall be not less than four 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 ten feet wide and constructed of asphalt, concrete or other city-approved durable surface meeting ADA requirements consistent with the applicable city engineering standards.

RESPONSE: The applicant requests the city to consider a fee in lieu of construction for a multi-use path and swale improvements.

Sec. 15.90.010. - Public facilities improvement.

Minor betterment, improvements, replacement or reconstruction of existing public facilities such as sewer and water lines, stormwater 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 chapter, 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.

Sec. 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.

RESPONSE: *The City of La Pine is currently constructing new water and sewer mains and services in the area. The existing home will be hooked up to the city water and sewer when construction reaches the property. It is anticipated that Parcel 1 will also be hooked up to the city water and sewer at the time of home construction or prior depending on construction of the new city water and sewer lines. The existing home has power, cable and communication already installed. The applicant understands that it has the responsibility for any new construction for roads and utilities shall be in conformance with the specifications of the city and/or serving entity.*

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

RESPONSE: *The City of La Pine is installing new water and sewer mains. The applicant does not anticipate the need for changes to the sizes of existing and proposed systems.*

Sec. 15.90.040. - Stormwater.

A. *Accommodation of upstream drainage.* Culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the city engineer.

B. *Effect on downstream drainage.* Where it is anticipated by the city engineer that the additional runoff resulting from the development will overload an existing drainage facility, the city shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards.

RESPONSE: *The applicant requests the city to consider a fee in lieu of construction for a multi-use path and swale improvements.*

Sec. 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.

RESPONSE: The applicant is creating one new parcel and will coordinate with the applicable utility providers for utility installation when applying for a new home construction on Parcel 1.

C. *Subdivisions.* In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:

RESPONSE: The applicant is not proposing a subdivision

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

RESPONSE: The applicant understands that the city may grant exceptions to underground utilities if there are existing constraints that make underground impractical.

Sec. 15.90.070. - Design of streets and other public facilities.

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.

RESPONSE: The applicant understands that additional right of way dedications will be required for this partition and shall be dedicated on the final partition plat map.

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

RESPONSE: The applicant requests the city to consider a fee in lieu of construction for a multi-use path.

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.

RESPONSE: The applicant requests the city to consider a fee in lieu of construction for a multi-use path and swales.

Sec. 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 therefor 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.

RESPONSE: The applicant will comply with the criteria above for any improvements required by this partition.

CHAPTER 15.410. - LAND PARTITIONS

Sec. 15.410.020. - Applications - partitions.

A. *Filing procedures and requirements.* Any person proposing a land partition, or the authorized agent or representative thereof, shall prepare and submit copies of the tentative plan for the proposed partition, together with the materials required for a Type II review for a minor partition or Type III review for a major partition as specified in [article 7](#), to the planning official.

B. *Proposed partitioning shall be drawn.* The scale and format of the plans and the number of copies required shall be as specified on the application form.

C. *Requirements for the plan.* The plan shall include the following:

1. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways, properties and land use patterns.
2. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or parcel and the names, right-of-way widths and improvement standards of existing roads.
3. Names and addresses of the land owner, the partitioner, the mortgagee if applicable, and the land surveyor employed (or to be employed) to make necessary surveys and prepare the final partitioning map.
4. A statement regarding provisions for water supply, sewage disposal, solid waste disposal, fire protection, access, utilities and the like.
5. North point, scale and date of map and the property identification by tax lot, map number, section, township and range, subdivision lot and block or other legal description.
6. Statement regarding past, present and proposed use of the parcel(s) to be created, or the use for which the parcel(s) is to be created.

RESPONSE: *The applicant is submitting a tentative partition map with the following information: vicinity map, parcel dimensions and size, existing road right of ways, existing well and septic system on Parcel 2, location of future water and sewer mains and connections for existing home. The property falls within the La Pine Rural Fire protection district, Republic Services, Midstate electric, CenturyLink phone & fiber optics. There are no water rights associated with the subject property. The tentative partition map also notes Identifying information on location of property, tax lot and map, with Township, range and section and subdivision information are also shown on the tentative map. The current and future use will be residential.*