

Burden of Proof Statement
City of La Pine
Site Plan – Tavares

**Applicant/
Owner:** Guy and Lisa Tavares Trust
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La Pine, OR 97739

Civil Engineer: KL Engineering
Contact: Ben Ewing
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Traffic Engineer: Transight Consulting, LLC
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Planner: CCC Consulting
Craig Chenoweth
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Bend, OR 97702

Location: The property is located west of Highway 97 along Huntington Rd. The subject property is identified as 51455 Huntington Rd. and is identified as tax lot 700 on Deschutes County Tax Assessors Map 22-10-15AD.

Request: The applicant is requesting Site Plan Review for a 2,520 unit office building with associated parking and landscaping.

I. Applicable Criteria and Procedures:

1. City of La Pine Development Code

- ARTICLE 3 – ZONING DISTRICTS
 - Chapter 15.22 - Commercial and Mixed-Use Zones
 - Chapter 15.40 – Downtown Overlay Zone
- ARTICLE 5 – DEVELOPMENT STANDARDS
 - Chapter 15.80 - Development Standards, Generally
 - Chapter 15.82 - Landscaping, Buffering and Fences
 - Chapter 15.86 - Parking and Loading
 - Chapter 15.88 - Access and Circulation
 - Chapter 15.90 - Public Facilities
 - Chapter 15.94 - Improvement Procedures and Guarantees
- ARTICLE 6 – SPECIAL USE STANDARDS

- Chapter 15.104 - Special Use Standards – Residential Uses and Accessory Uses
- ARTICLE 7 - PROCEDURES
- ARTICLE 8 – APPLICATIONS AND REVIEWS
 - Chapter 15.312 - Site Plan Review

II. General Facts:

1. **LOCATION:** The property is located west of Highway 97 along Huntington Rd. The subject property is identified as 51455 Huntington Rd. and is identified as tax lot 700 on Deschutes County Tax Assessors Map 22-10-15AD.



2. **EXISTING ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:** The subject property is designated Traditional Commercial (C) with a Downtown Overlay Zone on the Comprehensive Plan Map and Zoning Map.

3. **SITE DESCRIPTION AND SURROUNDING DEVELOPMENT:** The property is 0.29 acres in size, regular in shape, and generally level. The property is mostly unimproved and void of vegetation.

Surrounding properties are zoned Traditional Commercial with a Downtown Overlay Zone and are developed with a mixture of commercial uses.

4. **PROPOSAL:** The applicant is requesting Site Plan Review for a 2,520 unit office building with associated parking and landscaping.

5. **EXHIBITS:** In addition to this burden of proof statement, the applicant submits the following exhibits in support of this proposal:

- Application Form and Fee
- Ownership Deed
- Architectural Plan Set
- Engineering Plan Set
- Traffic Letter

III. Compliance with Article 3 – Zoning Districts:

Chapter 15.22 – Commercial and Mixed-Use Zones

Sec. 15.22.100. -Purpose

Chapter 15.22 regulates allowed land uses (“uses”) and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development in the commercial and mixed-use zones. The regulations of this chapter are intended to implement the City Comprehensive Plan. Sec. 15.22.100. - Purpose.

Sec. 15.22.200. - Characteristics of the Commercial and Mixed-Use Zones.

Commercial zones accommodate a mix of commercial services, retail, and civic uses, along with residential uses permitted in some circumstances. Four commercial zones provide for the full range of commercial land uses within the city. The zoning district regulations are intended to promote the orderly development and improvement of walkable commercial areas; facilitate compatibility between dissimilar land uses; provide employment opportunities in proximity, and with direct connections, to housing; and to ensure efficient use of land and public facilities.

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

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

C. Commercial Mixed-Use Zone (CMX). The CMX zone is intended to allow for a wide range of both commercial and residential uses. Unlike the CRMX zone, residential uses are not limited and are allowed to be developed on standalone sites. Some commercial uses that may not be compatible with residential uses are prohibited or limited. The CMX zone allows for flexible uses that can respond to market demand.

D. Neighborhood Commercial Zone (CN). The CN zone allows commercial uses that are intended to serve neighboring residential neighborhoods and are generally compatible with residential uses.

Applicant Response: The property is zoned C (traditional commercial) and is located within the downtown overlay zone . As detailed below and documented on the attached Exhibits, the proposed parcel sizes, dimensions, proximity to other zones, and facilities can accommodate the planned facility

As documented on the Plan Set, the property location allows for a functional commercial area and provides design elements that allow for compatibility with the surrounding area.

15.22.300 Use Regulations

Uses may be designated as Permitted, Limited, Conditional, or Prohibited in the commercial and mixed-use zones. As noted in Table 15.22-1, a use may also be subject to Special Use Standards of Article 6.

Use Category	C	Special Use Standards
Office	P	--

Applicant Response: The C zone allows for a variety of uses, office uses. The building is proposed to be used for office purposes. Therefore, the use as proposed meets the standard listed above. Compliance with the Downtown Overlay Zone uses will be discussed below.

15.22.400 Development Standards

A. Purpose. The development standards for commercial and mixed-use zones allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

B. The development standards. The development standards for commercial and mixed-use zones are presented in Table 15.22-2. Development standards may be modified as provided by Chapter 15.320, Variances. Additional standards may apply to specific zones or uses, see Section 15.22.500.

Standard	C
Minimum lot width	None
Minimum setbacks	
- Front or street-side yard	20 feet
- Side yard	None
- Rear yard	None
Maximum building height	70 feet
Maximum lot coverage	80%
Minimum landscaped area	See 15.18.500.B and Chapter 15.82
Minimum and maximum density	Residential and mixed-use developments are subject to the minimum and maximum density standards of the RMF zone (see Section 15.18.500).

Applicant Response: The site plan review includes the installation of a single building, along with parking and landscaping. While the property is located in the C zone, it property has a Downtown Overlay Zone designation place over the surrounding area. The only setback requirement for the C zone is the front yard setback. However, the setback stated in the table above is superseded by the by the front yard setback requirements listed in the Downtown Overlay. Findings related to the front yard setback will be addressed under section 15.40 below.

Based on the submitted elevations the buildings will be 19 feet 9 inches in height,

meeting the 70 foot height limitation.

As detailed in Section 15.82, the lot is required to provide a minimum of 15% landscaping. As shown on the Site Plan, lot is 11,856 square feet in size and 4,526 square feet (or 35.8%) is proposed to be landscaped.

The amount of landscaping that is proposed exceeds the minimum amount that is required; therefore, the proposal conforms to these standards.

15.22.500 Additional Standards

- A. Corner Lot Frontages. For commercial uses located on corner lots where one street is predominantly residential, and one street is predominantly commercial, any commercial structure shall front on the street that is predominantly commercial.**

Applicant Response: The property is not a corner lot; therefore, this standard does not apply.

- B. Landscaping Standard. Any portion of a lot developed for commercial uses which are not used for buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, and designated storage areas shall be planted and maintained with grass or other all-season groundcover vegetation. Grass shall be kept neatly mowed. Landscaping with trees and shrubs is permitted and encouraged. See additional landscaping and buffering standards in Article 5.**

Applicant Response: As detailed on the Landscape Plan, all areas of the lots that are not improved with buildings, other structures, parking or loading spaces, or aisles, driveways, sidewalks, are proposed to be planted and maintained with grass or other all-season groundcover vegetation. The proposed design conforms to this standard.

C. Screening Requirements.

- 1. Outdoor activities. Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for “drive-in” type establishments offering goods or services to customers waiting in parked motor vehicles.**

Applicant Response: The proposal does not include any outdoor activities; therefore, the proposal conforms to this standard.

- 2. Outdoor storage. All areas of a site containing or proposed to contain outdoor storage of materials, equipment, and vehicles, and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination**

of screening methods. See additional buffering and fence standards in Article 5.

- 3. Outdoor merchandise display. The outdoor display of merchandise for sale is not required to be screened from view, provided that all merchandise is located behind building setback lines unless otherwise approved by the City (e.g., to allow sidewalk sales).**

Applicant Response: The proposal does not include any outdoor storage areas or outdoor merchandise display areas; therefore, these standards do not apply.

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

Applicant Response: As documented on the Plan Set, the proposal includes a primary access point onto Huntington Road. The access point has been reviewed by the Traffic Engineer and been determined to be safe and it will not impact abutting roadway operations. As proposed, the application conforms to this standard.

- E. Emissions. No use shall emit any noxious, toxic, or corrosive fumes or gases nor shall it emit any offensive odors.**
- F. Noise. All uses shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.**

Applicant Response: The proposed office building is not expected to generate any noise or emissions. Therefore, the uses can be approved, and additional shielding or protective measures are not necessary.

- G. Lighting. All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.**

Applicant Response: The only lighting that is proposed is wall lighting. As detailed on the Plan Set, the lighting is proposed to be LED lighting that is full cut-off, which will ensure that it is placed and shielded as not to create any nuisance.

CHAPTER 15.40. DOWNTOWN OVERLAY ZONE

Sec. 15.40.010. Purpose.

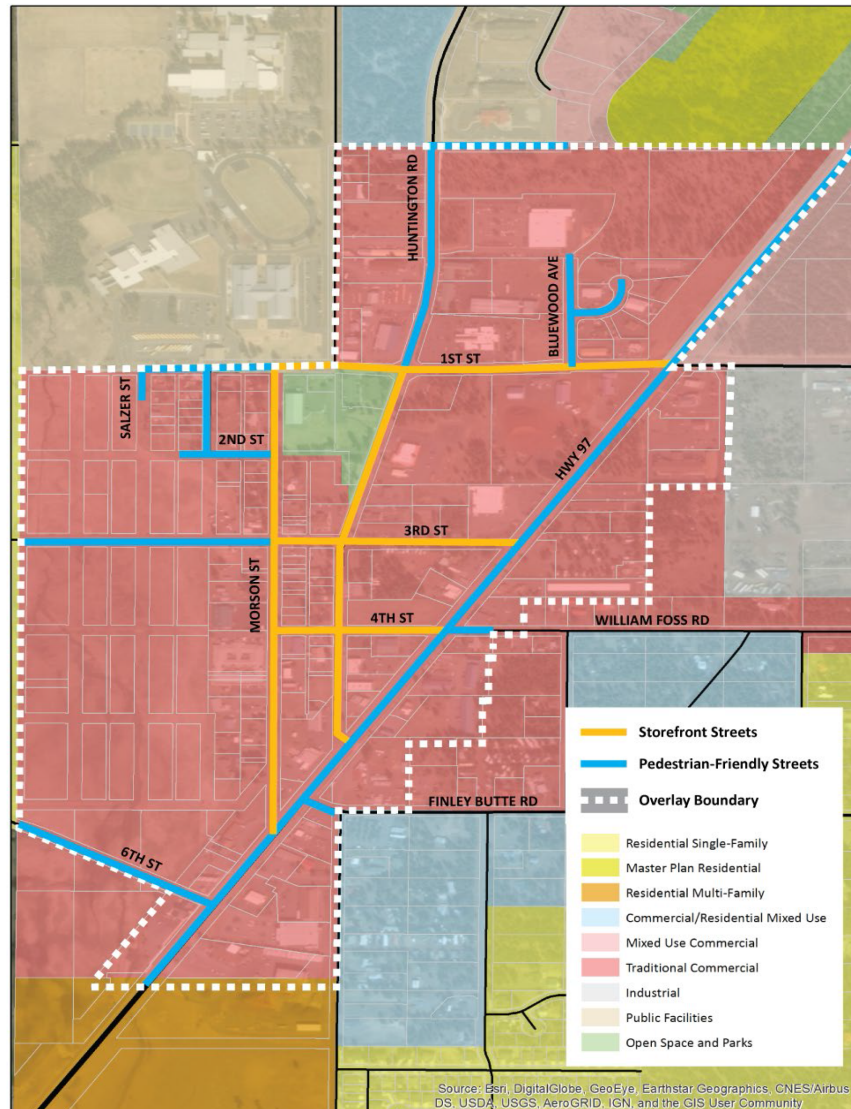
The purpose of the downtown overlay zone is to create a pedestrian-oriented downtown area that will serve as the center of commercial and civic activity in the community and as a destination for residents and visitors. Pedestrian-oriented places provide visual interest at eye-level, feel safe and comfortable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

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

Sec. 15.40.020. Applicability.

- A. *Zone boundary and street designations.*** The boundaries of the downtown overlay zone are depicted in Figure 15.40-1. The standards of this chapter apply to development and redevelopment on properties within this boundary. Specific standards within this chapter apply to properties abutting streets designated as storefront streets and pedestrian friendly streets, as shown on Figure 15.40-1.

Downtown Overlay Zone Map



- B. ***New buildings.*** The standards of this chapter apply to all buildings subject to site plan review that include over 200 square feet in floor area.
- C. ***Expansions and alterations to existing nonresidential buildings.*** The standards of this chapter apply to expansions and alterations to nonresidential buildings that are subject to site plan review, in accordance with chapter 15.312. The standards are applicable as follows:

1. Expansions or additions to nonresidential buildings of over 500 square feet that are visible from a public street or public space are required to be in conformance with the standards of this chapter. The standards only apply to the expansion or addition.
2. Expansions or additions to nonresidential buildings that front a storefront street must not increase the length of street-facing facade that does not conform to the build-to-line standard and must, to the extent feasible, reduce the area dedicated to parking and vehicular circulation between the building and the right-of-way (See Figure 15.40-2).
3. Expansions or additions to nonresidential buildings that front a pedestrian-friendly street must, to the extent feasible, reduce the area dedicated to parking and vehicular circulation between the building and the right-of-way.
4. Exterior alterations or remodels of existing nonresidential buildings that do not conform to the standards for ground floor windows, weather protection, and architectural design must improve compliance with these standards where possible, and at a minimum must not increase nonconformance.

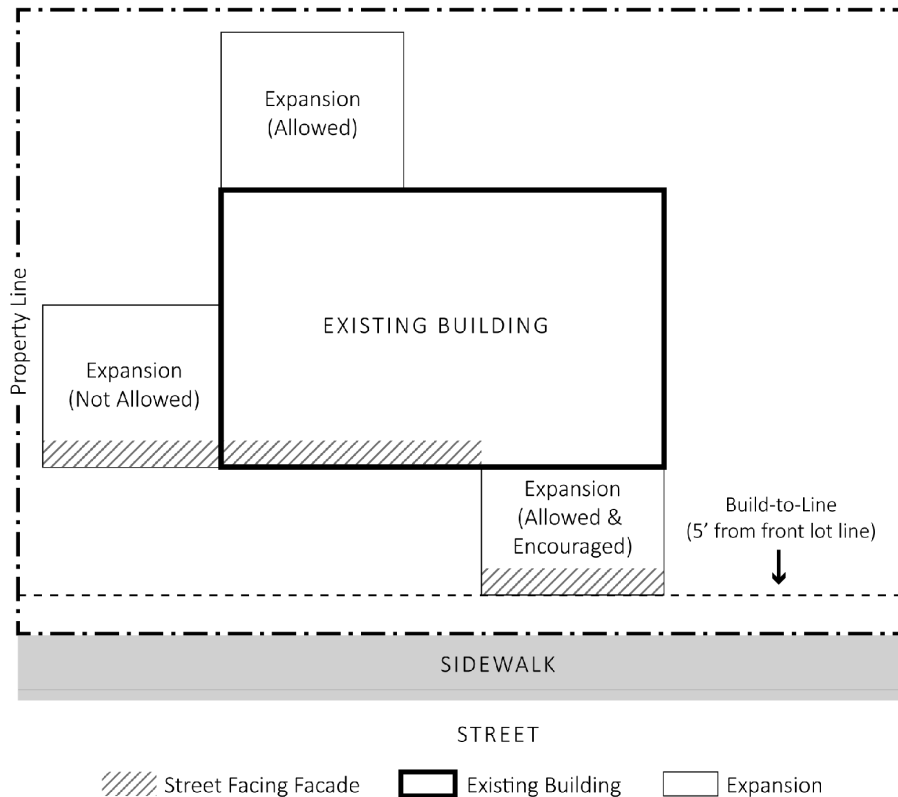
D. *Expansions and alterations to parking and vehicle circulation areas.* Expansions or alterations to existing parking and vehicle circulation areas must not increase non-conformity with the standard for location of parking areas (15.40.060.B).

Applicant Response: The proposal is for a new 2,520 square foot office building in the downtown overlay zone; therefore, this section of the code applies to the proposal.

Sec. 15.40.025. Downtown design exception.

- A. The planning commission may allow exceptions to the design standards in 15.40.060 through 15.40.090 without the need to obtain a variance pursuant to chapter 15.320. For each standard for which a design exception is sought, the applicant must demonstrate that at least one of the following circumstances is met:
 1. The physical characteristics of the site or existing structure (e.g., steep slopes, wetlands, other bodies of water, trees or other significant natural features of the site, buildings or other existing development, utility lines and easements, etc.) make compliance with the standard impractical; or
 2. The alternative design better complies with the following:
 - a. The purpose of the Downtown La Pine Overlay as described in section 15.40.010; and
 - b. The intent of the standard for which the exception is being sought.
- B. Requests for a downtown design exception are subject to Type III review in accordance with the procedures in article 7. The request may be considered as part of the development application.

Applicability of Build-to-Line Standard for Expansions or Additions on Storefront Streets



Applicant Response: No design exceptions are being requested; therefore, this section does not apply.

Sec. 15.40.030. Uses.

Uses permitted in the underlying base zone are permitted in the downtown overlay zone, except that the following uses and activities are prohibited on sites abutting a storefront street:

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

Applicant Response: As noted above, the office use as proposed is permitted outright in the underlying zone. The building will not contain any of the elements listed above; therefore, the use as proposed meets the use requirements of the overlay zone.

Sec. 15.40.040. Options for required parking.

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

Applicant Response: All required parking will be provided on site and no alternative methods as allowed under the code will be proposed with this application. Therefore, the above standards do not apply.

Sec. 15.40.050. Summary of design standards.

Table 15.40-1 provides an overview of the design standards that apply within the downtown overlay zone. See the referenced section of this chapter for specific regulations.

<i>Table 15.40-1. Summary of Design Standards</i>			
<i>Standard</i>	<i>Storefront Streets</i>	<i>Pedestrian-Friendly Streets</i>	<i>Code Section</i>
<i>Building Setbacks</i>			
No minimum front setbacks	√	√	15.40.060.B
No parking between building and the street	√	√	15.40.060.C
75% of building within 5 ft. of front lot line	√		15.40.060.D
<i>Building Entries</i>			
Required walkway connection	√	√	15.40.070.B
Entry orientation	√	√	15.40.070.C [15.40.070.D]
Entry design	√	√	15.40.070.D [15.40.070.C]
<i>Window and Weather Protection Requirements</i>			

Minimum window requirements (as % of the ground level wall area)	60%	40%	15.40.080.B
Weather protection required	√		15.40.080.C
<i>Architectural Design Standards</i>			
Architectural design standards	√	√	15.40.090

Applicant Response: All applicable standards will be addressed for compliance below.

Sec. 15.40.060. Setbacks.

A. Intent. The intent of the setback standards is to help ensure that buildings are placed close to the sidewalk to create both visual interest and a sense of enclosure or "an outdoor room." Buildings set back from the street with parking next to the sidewalk are less interesting and less comfortable for pedestrians. These standards apply to the primary building(s) on a site (e.g., not to accessory structures).

B. Front setbacks. No minimum front setback standards apply to developments in the downtown overlay zone.

Applicant Response: The front yard setback is 5 foot to the roof overhang and 7 feet to the building. The setback as proposed meets the standard of no minimum setback.

C. Location of parking areas. No vehicle parking or circulation areas are permitted between the front of the building and a storefront street or a pedestrian-friendly street (see Figure 15.40-3). If the development site has a frontage on both types of streets, then this standard only applies to the frontage on the storefront street. If the development site has frontage on more than one storefront street, then this standard shall only apply to one storefront street.

Applicant Response: No parking is proposed to be located between the building and the street; therefore, this standard is satisfied.

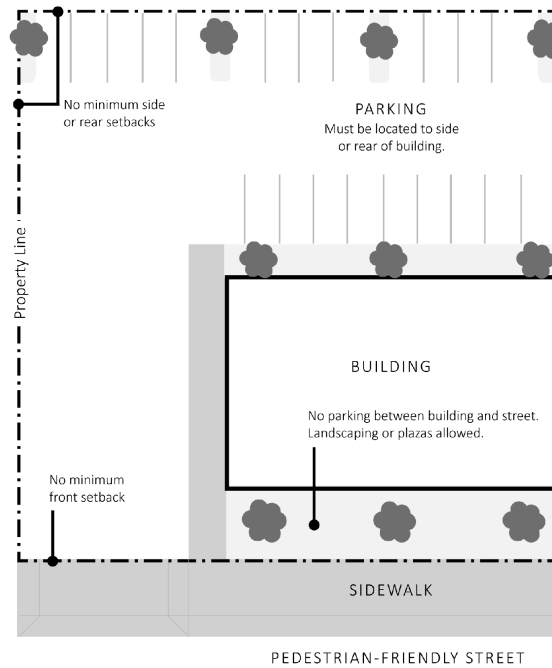
D. Build-to-line standard. Development sites abutting a storefront street must conform to a build-to-line standard (see Figure 15.40-4). The purpose of this standard is to promote a continuous building frontage that creates visual interest and a sense of enclosure on the street. The standard is met when at least 75 percent of the width of the building is located within five feet of the front lot line that faces a storefront street. If the development site has frontage on more than one storefront street, then this standard shall only apply to one storefront street. The city planning official may waive this requirement where it finds that one of the following conditions is met:

Applicant Response: The building wall sits at 7 feet from the property line. However, as proposed the building contains an overhang to not only meet the standard above, but the weather protection standards outlined later on in this

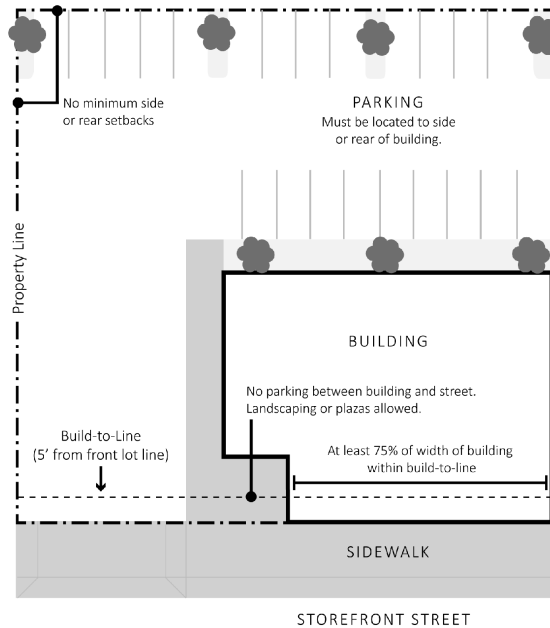
review. The design as proposed brings the building to within 5 feet of the property line, thus meeting the build-to-line standard.

1. **The applicant proposes extending an adjacent sidewalk or plaza for public use, or some other pedestrian amenity is proposed to be placed between the building and public right-of-way.**
2. **A significant tree or other environmental feature precludes strict adherence to the standard and will be retained and incorporated in the design of the project.**
3. **A public utility easement or similar restricting legal condition that is outside the applicant's control makes conformance with the build-to line impossible. In this case, the building shall instead be placed as close to the street as possible given the legal constraint, and pedestrian amenities (e.g., plaza, courtyard, landscaping, outdoor seating area, etc.) shall be provided within the street setback.**

No Parking between the Primary Building and a Pedestrian-Friendly or Storefront Streets



Building Setback Standards on Storefront Streets



Applicant Response: No exceptions are being proposed; therefore, the above exceptions do not apply

Sec. 15.40.070. Building entries.

B. [A.] Intent. These provisions ensure that all entrances to a primary building are visible and connected to the sidewalk by a pedestrian walkway. These features are important when the building is accessed by a pedestrian from the street (rather than from the parking lot). These standards apply to the primary building(s) on a site (e.g., not to accessory structures).

B. Required walkway. All primary entrances to a building (e.g., tenant entrance, lobby entrance, breezeway entrance, or courtyard entrance) must be connected to the sidewalk by a direct and continuous walkway.

Applicant Response: Per the submitted plan, a walkway connecting the building entrances to the adjacent public sidewalk has been proposed. Therefore, it can be found that the site as designed satisfies the standard.

C. Entry design. The primary building entrances must be architecturally emphasized through the use of one or more of the following features: recessed doorway(s); overhangs or canopies; transom windows; ornamental light fixtures; larger, transparent or more prominent doors; or pilasters or columns that frame the principal doorway.

Applicant Response: Entry ways to the building have been designed to reinforce the entries through the use of windows, canopies and heavy beam timber. As designed, the building satisfies the standard through architectural emphasizes at the entrances.

D. Entry orientation. All buildings must have at least one primary entrance facing that street (i.e., within 45 degrees of the street property line). For multi-

tenanted nonresidential buildings, buildings with multiple entrances, or buildings with multiple frontages, only one primary entrance must comply with this standard. For multi-tenanted residential buildings on storefront streets, all residential units on the ground floor must have a private exterior entrance.

Applicant Response: The intent of standard is to ensure that entrances are visible from the adjacent street and sidewalks. The fully commercial building has been designed in manner that will encourage pedestrian activity through the use of visible entrances that are connected to the public sidewalks via on-site walkways. As proposed the entrances on the north elevation are visible from a 45 degree angle as viewed from the street property line. Therefore, it can be found that the location and orientation of the entrances satisfies the standard as intended.

Sec. 15.40.080. Window and weather protection requirements.

C. [A.]Intent. Window area or "glazing" requirements ensure that building facades will be composed of windows that provide views of activity, people, and merchandise, creating an interesting pedestrian experience. The weather protection standards are intended to create a more comfortable experience for pedestrians on the sidewalk by providing protection from sun and rain. This standard is limited to storefront streets, where buildings are required to directly front the sidewalk and pedestrian comfort is a high priority. These standards apply to the primary building(s) on a site (e.g., not to accessory structures).

B. Window requirements.

1. Minimum window area required for nonresidential buildings.

- a. Building facades facing a pedestrian-friendly street must have windows, display areas, or glass doorways for at least 40 percent of the area of the ground level wall area (see Figure 15.40-5).**
- b. Building facades facing a storefront street must have windows, display areas, or glass doorways for at least 60 percent of the area of the ground level wall area (see Figure 15.40-5).**
- c. The ground level wall area is the wall area above 30 inches and below 108 inches, as measured from finished grade.**

Applicant Response: As seen from the street, the north elevation is considered the primary elevation, with primary reinforced entry ways and storefront windows. Therefore, for the purpose of design review the north elevation is considered the street facing building façade. The elevation is 70 feet wide and fronts on a designated storefront street. Utilizing the definition above to measure the ground floor, the ground floor wall area contains 455 square feet. In order to satisfy the requirement, the design has incorporated a number of elements that satisfy the window requirements above. The elements include, standard glider and transom windows, glass entry doors and side windows to accentuate each of the entrances. The use of such materials as presented will not only meets the standards outlined above with over 60% wall coverage, but will

satisfy the intent of this section by creating a store front view that includes activity, people, and merchandise, creating an interesting pedestrian experience. Therefore, it can be found that the design as presented meets the above standard.

- 2. *Minimum window area required for residential buildings. Building facades that face a public street must have windows or glass doorways for at least 15 percent of the area of the entire facade.***

Applicant Response: The proposed building will be used for the commercial purposes; therefore, this standard does not apply.

- 3. *Transparency. All ground floor windows shall have a visible transmittance of 60 percent or higher.***

Applicant Response: All windows that are proposed are standard in nature and will have a high degree of transparency, thus meeting the standard.

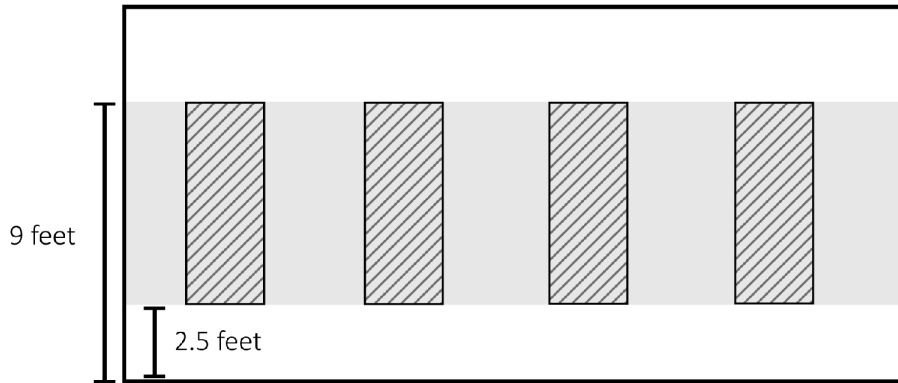
C. *Weather protection. On building facades facing a storefront street, weather protection for pedestrians must be provided along at least 75 percent of the facade. Weather protection may be an awning, canopy, arcade, colonnade, recessed entry, or some combination of these elements. Where provided, weather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

- a. *Be constructed of glass, metal, or a combination of these materials;***
- b. *Project at least five feet from the building facade;***
- c. *Have at least ten feet clearance above the sidewalk;***
- d. *Match the width of the storefront or the window opening(s); and***
- e. *Not obscure any existing or proposed transom windows.***

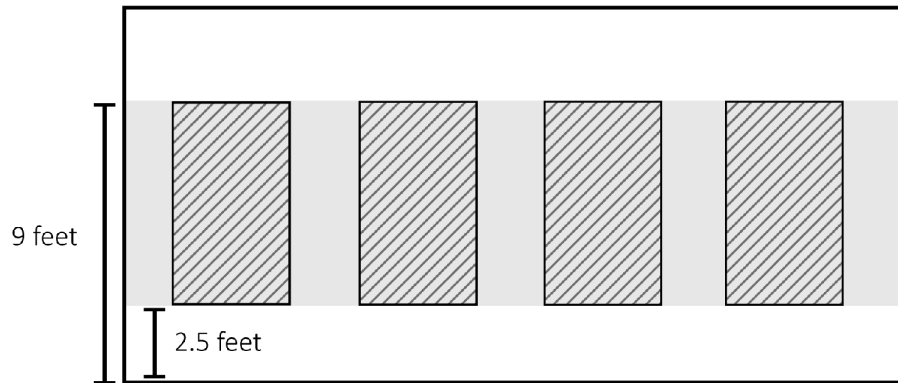
Applicant Response: As discussed above, the north elevation is the primary elevation as viewed from the street. Furthermore, it is reinforced through a walkway connection that will connect the entrances to the public sidewalk. As designed, the primary building façade that faces the storefront street includes overhangs and canopies that will create a covered walkway that stretches the entire length of the building. Therefore, the building as designed will meet the weather protection standards, satisfying the standard.

Graphic Illustration of Window Area Standards

Pedestrian-Friendly Streets: 40% Window Area



Storefront Streets: 60% Window Area



Ground Level Wall Qualifying Window Feature

Sec. 15.40.090. Architectural design standards.

B. *Articulation.* All building exterior walls greater than 100 feet in length that orient to a street or public space must have breaks in the wall plane (articulation) of not less than one break for every 40 feet of building length or width, as applicable, as follows:

1. A "break" is a feature or variation in the wall plane that projects or recedes at least six inches for a length of at least two feet. Breaks may include, but are not limited to, an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.
2. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the break-in-wall-plane standard.

Applicant Response: The proposed building is 34X70; therefore, no walls exceed 100 feet in length.

C. *Screening of mechanical equipment.*

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

Applicant Response: The structure will not contain any roof top or wall mounted equipment. All ground mounted equipment will be screened by either the use of landscape or a sight obscuring fence. All necessary screening will meet the above requirement.

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

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

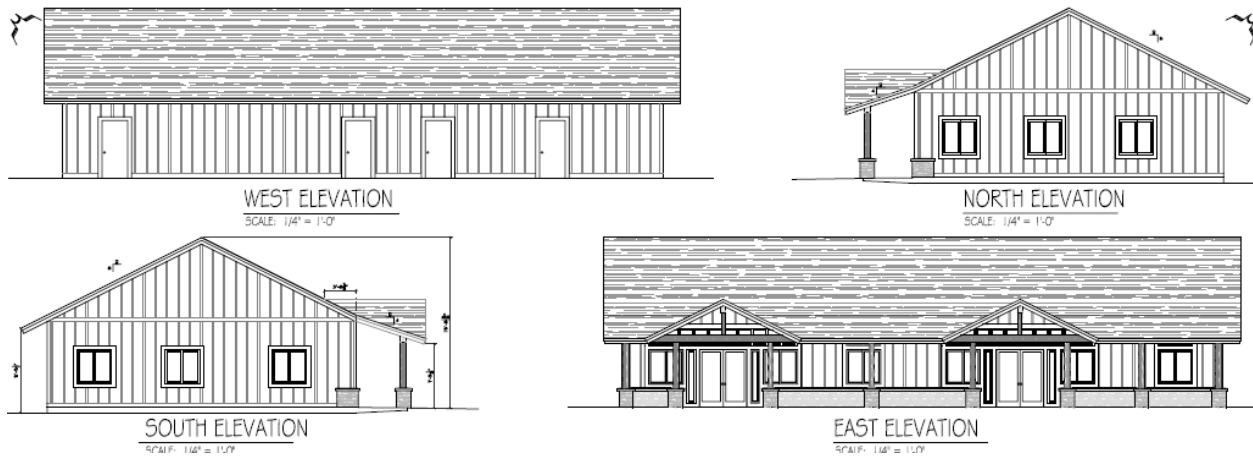
E. *Cascadian architectural elements.* Building exterior walls facing a public street shall incorporate at least three of the following features. Using these features may also help meet other Development Code requirements, such as those related to building articulation or weather protection:

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

Table 15.40-2. Building Materials (Exterior Walls)			
Material	Allowed on Exterior Wall?		
	Primary	Secondary	Base

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

Applicant Response: The architectural plans are part of the submittal includes a variety of architectural features and materials throughout the building. The diversity in materials and design has been demonstrated to meet the above requirements. Specifically, the design elements will include the use of exposed heavy timbers as part of the awning, while providing a building that is designed with a sloped roof throughout. In addition, the buildings primary material will be wood siding, with stone masonry and timbers serving as a secondary material to compliment the building design. As designed, it can be found that the building incorporates design and elements and uses materials that satisfies the above requirements.



IV. Compliance with Article 5 – Development Standards

Chapter 15.80 - Development Standards, Generally

15.80.010 Purpose

Article 5 contains development and design standards for the built environment. The standards are intended to protect the public health, safety, and welfare through the provision of landscaping and buffering, parking and loading facilities, multimodal accessibility and interconnectivity, and adequate public facilities.

In interpreting and applying this title, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

Applicant Response: This section establishes the purpose of these General Development Standards. This section does not include any approval criteria or development standards to measure compliance with code standards. Compliance with the standards of this section will ensure that the Purpose stated herein is implemented.

15.80.020 Applicability

Any land division or development, and the improvements required therefore, shall be in compliance with the development, design and improvement standards and requirements set forth in this Article. Other provisions of this Code, other city ordinances, or state statutes or administrative rules may also apply.

Applicant Response: The proposal includes new development; therefore this section applies.

15.80.030 Exemption - Lot Size Requirements...

15.80.040 Exemption - Yard or Setback Requirements...

15.80.050 Supplementary Height Regulations...

15.80.060 Restrictions on the Use of Metal Shipping Containers...

Applicant Response: The proposal does not request an exception to lot size, setbacks or building height. Furthermore, the proposal does not include metal shipping containers. Therefore, these sections do not apply.

Chapter 15.82 - Landscaping, Buffering and Fences

15.82.010 Landscaping and Buffering Requirements

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

A. Exemption....

Applicant Response: No exceptions are being requested.

B. Area required. Except as approved otherwise by the City, the following minimum percent of a parcel area shall be landscaped for the following uses.

3.Commercial uses including mixed use commercial (CMX): 15 percent.

Applicant Response: As shown on the Site Plan, the lot is 11,856 square feet in size and 4,526 square feet (or 35.8%) is proposed to be landscaped.

Based on the proposed design the standards of this section are satisfied.

C. Landscaping defined. Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials. The total amount of nonliving materials (including bark dust, chips, aggregate, or other non-plant ground covers) shall not exceed more than 50 percent of the required landscape area.

D. Existing vegetation. Existing site vegetation may be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.

Applicant Response: The site does not contain any existing vegetation; therefore, this standard does not apply.

E. Parking lots. Parking lots with space for ten or more vehicles must be landscaped in accordance with the following minimum requirements.

1. In commercial and residential developments, parking areas shall be divided into bays, and between or at the end of each parking bay a curbed planter containing at least 16 square feet may be required.
2. If required, each planter shall contain at least one tree or shrub and ground cover.
3. The areas shall be designed to be protected from being damaged by vehicles using the parking area.
4. Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum five-foot strip of landscaping.
5. Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.

Applicant Response: The parking lot as designed is less than 10 spaces; therefore, the above standards do not apply.

F. Buffering and screening.

1. **Purpose.** The purpose of buffering and screening requirements are to reduce the impacts of a proposed use on adjacent uses and zones which provide for different types of uses. The City may waive or reduce the requirements where existing topography or vegetation is appropriate or otherwise negates the effectiveness or intended purpose or benefits of the buffering and screening.
2. Where any permitted principal and/or accessory use in a Commercial or Industrial zone abuts any land zoned RSF, RMF, RMP, or TA the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50% or greater, or removed and a new use developed.
3. **Within Commercial Zones.** A buffer strip at least 10 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts an RSF, RMF, RMP, or TA zone...

4. Within industrial zones. A buffer strip at least 30 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts any RSF, RMF, RMP, or TA zoned land....
5. A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.
6. In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the review authority.

Applicant Response: The property is zoned commercial but does not abut a RSF, RMF, RMP or TA Zone; therefore, additional buffering or screening is not required.

G. Plant material installation standards. Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section.

1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting. 5-6
3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
4. Rows of plants should be staggered to provide for more effective coverage.

Applicant Response: All new landscape areas will be landscaped in a manner that complies with the above standard.

H. Maintenance and plant survival. All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought- resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.

Applicant Response: The applicant plans to continuously maintain the landscaping. In the event that any plants fail to survive, the applicant will replace them.

15.82.020 Fences and Walls

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

Applicant Response: The proposal does not include any proposed fencing at this time. However, all future fencing will adhere to this section of the code.

Chapter 15.86 - Parking and Loading

15.86.0101 Applicability

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

Applicant Response: The proposal establishes new uses; therefore, this section applies.

15.86.020 Off-Street Loading

- A. Every commercial and industrial use which requires the receipt or distribution of material or merchandise by trucks with a 40-foot or longer wheelbase at a frequency of one or more vehicles per week shall provide off- street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use. The applicant shall provide supporting evidence of the projected shipping and receiving and how the number of spaces to be provided will be adequate.**
- B. Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Each off-street loading space shall not be less than 12 feet wide by 55 feet long unless otherwise approved by the city through site design review.**
- C. Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.**
- D. Exceptions and adjustments. The city, through site design review, may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations are short in duration (i.e., less**

than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority.

Applicant Response: As noted above, the proposed use is a for an office building. The nature of the use will not result in the delivery of items by oversized vehicles. Therefore, the above requirements do not apply.

15.86.030 Off-Street Parking - Required

A. Location of off-street loading and parking spaces. Except as otherwise permitted by this Code, required off- street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve. In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading or parking space(s) of one use be used to satisfy the loading or parking space requirements of another use.

Applicant Response: As shown on the Site Plan, parking spaces for the use are proposed on the respective lot. As designed, the proposal conforms to this standard.

B. Encroachment or reduction. A required loading or parking space shall not be encroached upon by a structure, storage, or other use, nor shall the number of spaces be reduced without replacement of a commensurate number of spaces in accordance with this section unless a special exception or variance has been approved.

Applicant Response: As documented on the Plan Set, parking spaces are proposed solely for that use, and they will not be encroached upon for another purpose. As designed, the proposal conforms to this standard.

C. Calculations of Amounts of Required and Allowed Parking.

- 1. When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.**
- 2. The number of parking spaces is computed based on the primary uses on the site except as stated in subsection 3, below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see subsection (I) below.**
- 3. When more than 20 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000**

square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.

Applicant Response: This section provides methods for calculation, but no specific standards. The methods identified in this section have been utilized in the preparation of this application.

D. Use of Required Parking Spaces. Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to subsection (I).

Applicant Response: The applicant proposes to use the parking spaces on the lot for the respective use; therefore, the proposal complies with this standard.

E. Improvement of Parking Areas. Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved structures; and on driveways or parking lots that have been developed in conformance with this Code.

Applicant Response: The proposal includes parking within parking lots that are designed in conformance with City Standards. As designed, the proposal conforms to this standard.

F. Minimum Number of Off-Street Automobile Parking Spaces. Except as required for Americans with Disabilities Act compliance under subsection (L), off-street parking shall be provided pursuant to one of the following three standards:

- a. The standards in Table 15.86-1;
- b. A standard from Table 15.86-1 for a use that the Planning Official determines is similar to the proposed use. For uses not specified in the table, the City shall determine parking based on submission of technical data from applicant or City sources; or
- c. Subsection (H), Parking Exceptions, which includes a Parking Demand Analysis option.

Use Categories	Minimum Parking per Land Use (fractions are rounded down to the next whole number)
Offices	General office: 1 spaces per 500 sq. ft. floor area

Applicant Response: Per the above table a total of 4.9 spaces is required for the 2,436 square foot office building.

Applicant Response: As documented on the Site Plan, a total of 9 spaces are proposed, exceeding the minimum requirements that are established in this section.

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

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

Applicant Response: At a noted above, the proposed use requires 4.9 spaces, allowing for a total of 9.8 spaces. The proposal includes 9 spaces, thus satisfying the requirement.

H. Exceptions and Reductions to Off-Street Parking...

I. Shared parking...

Applicant Response: The proposal does not include any exceptions to the parking standards or shared parking; therefore, these sections do not apply.

J. Parking Stall Design and Minimum Dimensions. Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other City-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum dimensions in Table 15-86-2 and the figures below. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management.

Table 15.86-2- Parking Stall Dimensions

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

Applicant Response: As documented on the Plan Set, all stalls are proposed to be 90 degree stalls and be 9' x 20'. Furthermore, the drive aisles are proposed to be at least 24 feet in width and the submittal is accompanied by a grading and drainage plan. As proposed, the design conforms to the standards of this section.

K. Adjustments to Parking Area Dimensions....

Applicant Response: The applicant is not proposing any adjustments to parking standards; therefore, this section does not apply.

L. Americans with Disabilities Act (ADA). Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.

Applicant Response: Based upon due diligence completed to date, the applicant has determined that the use requires one ADA space. As shown on the Site Plan, the proposal accommodates the required number of ADA spaces and conforms to this standard.

15.86.050 Bicycle Parking

A. Exemptions...

Applicant Response: The proposal does not include any exceptions to the bike parking standards; therefore, this section does not apply.

B. Standards. Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 15.86-3. Where an application is subject to Conditional Use Permit

approval or the applicant has requested a reduction to an automobile-parking standard, the City may require bicycle parking spaces in addition to those in Table 15.86-3.

C. Table 15.86 -3 Minimum Required Bicycle Parking Spaces

Use	Minimum Number of Spaces
Commercial	2 bike spaces per primary use or 1 per 5 vehicle spaces, whichever is greater

Applicant Response: The proposal includes offices as the primary use; therefore, a total of 2 spaces are required. As shown on the Site Plan, the applicant is proposing 2 bike parking spaces for the use, therefore, this standards is met.

C. Design. Bicycle parking shall consist of staple-design steel racks or other City-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle. At a minimum, bicycle parking facilities shall be consistent with the following design guidelines:

- 1. All bicycle parking shall be within one hundred (100) feet from a building entrance and located within a well-lit and clearly visible area;**
- 2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;**
- 3. Each bicycle parking space shall be at least two (2) feet by six (6) feet with a vertical clearance of six (6) feet;**
- 4. An access aisle of at least five (5) feet shall be provided in each bicycle parking facility;**
- 5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary.) Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.**

D. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of Section 15.88.040.

Applicant Response: As shown on the Plan Set, the bike parking spaces are near the front entrances of the building, on a U rack, separated from other uses and secure. As designed, the proposal complies with these standards.

15.86.060 Snow Storage Areas

- A. Purpose.** The purpose of these standards is to ensure that adequate space is be provided within a development for storage of snow in winter months in order to accommodate space needed for access, circulation, and off-street parking.
- B. Applicability.** Snow storage standards apply to all subdivisions and to developments subject to Site Plan review.

Applicant Response: The proposal is for Site Plan Review; therefore, this section applies.

C. Standards.

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

Applicant Response: Snow storage areas are identified on the Site Plan where to accommodate snow removal from the 4,428 of parking area. As detailed thereupon, the storage site requires 660 square feet of snow storage and provides 740 square feet. As designed, the proposal complies with these 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.

Applicant Response: This section establishes the purpose of these Development

Standards. This section does not include any approval criteria or development standards to measure compliance with. Compliance with the standards of this section will ensure that the Purpose stated herein is implemented.

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.

Applicant Response: Chapter 15.88 applies as the proposal includes a new access point from Huntington Rd.

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.

Applicant Response: This is a purpose statement and it does not provide any measurable development standards or approval criteria.

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.

Applicant Response: The Applicant understands and will be applying for all necessary permits prior to work commencing.

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.

Applicant Response: As a part of the application submittal, a traffic letter prepared by Transight Consulting has been provided. The letter addresses all relevant components related to traffic impacts, demonstrating compliance through findings and mitigation measures.

D. Approach and driveway development standards. Access management restrictions and limitations consist of provisions managing the number of access points and/or providing traffic and facility improvements that are designed to maximize the intended function of a particular street, road or highway. The intent is to achieve a balanced, comprehensive program which provides reasonable access as new development occurs while maintaining the safety and efficiency of traffic movement. Intersections, approaches and

driveways shall conform to access spacing guidelines in the City of La Pine Transportation System Plan and the roadway authority's engineering standards. In the review of all new development, the reviewing authority shall consider the following techniques or considerations in providing for or restricting access to certain transportation facilities.

1. Access points to arterials and collectors may be restricted through the use of the following techniques:
 - a. Restricting spacing between access points based on the type of development and the speed along the serving collector or arterial.
 - b. Sharing of access points between adjacent properties and developments.
 - c. Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.
 - d. Constructing frontage or marginal access roads to separate local traffic from through traffic.
 - e. Providing service drives to prevent overflow of vehicle queues onto adjoining roadways.
2. Consideration of the following traffic and facility improvements for access management:
 - a. Providing of acceleration, deceleration and right-turn-only lanes.
 - b. Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.
 - c. Installation of median barriers to control conflicts associated with left turn movements.
 - d. Installing side barriers to the property along the serving arterial or collector to restrict access width to a minimum.
- E. ODOT approval. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The city may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the city will work cooperatively with the applicant and ODOT to avoid unnecessary delays.
- F. Other agency approval. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.
- G. Exceptions and adjustments. The city may approve adjustments to the spacing standards of subsections above, where an existing connection to a city street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance.
- H. Joint use access easement and maintenance agreement. Where the city approves a joint use driveway, the property owners shall record an easement

with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the city for its records, but the city is not responsible for maintaining the driveway or resolving any dispute between property owners.

Applicant Response: The traffic study that has been provided analyzed a proposed single access point to the site from the adjacent arterial. Based on the findings provided within the study, it can be found that the access point as proposed meets City standards and should be allowed.

15.88.040 Clear Vision Areas (Visibility at Intersections)

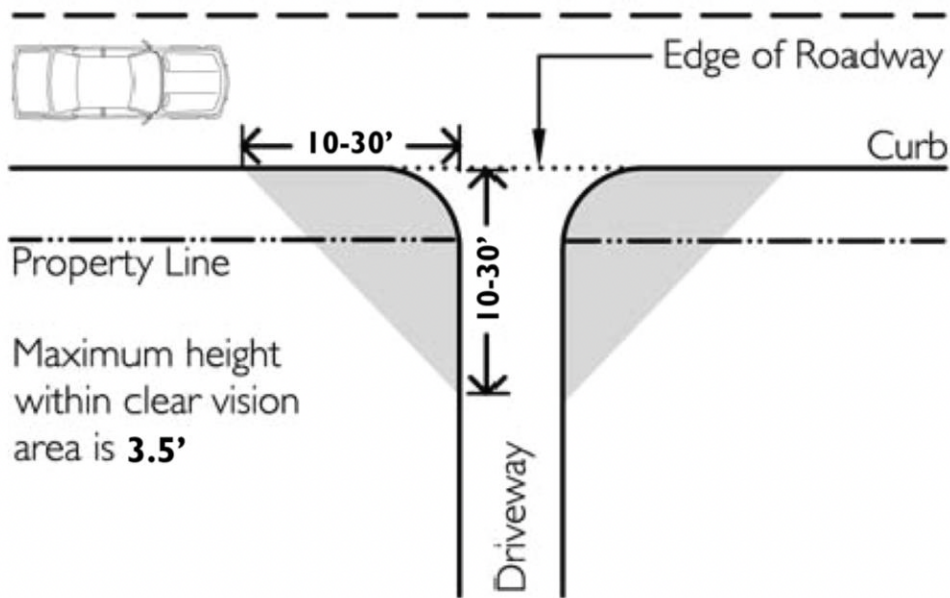
A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding three and one-half feet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

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

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

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

Figure 15.88-1. Clear Vision Areas



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.

Applicant Response: This is a purpose statement and it does not provide any measurable development standards or approval criteria.

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.

Applicant Response: The proposed use is a commercial use, therefore, the standards under this section do apply to the proposed site plan.

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.

Applicant Response: A sidewalk connects the site to the adjacent sidewalk. As proposed, it can be found the commercial development has a continuous walkway through the site, thus meeting the standard.

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.

Applicant Response: A walkway has been proposed along the north side of the building. The walkway as proposed connects the building entrance to the public sidewalk and is constructed of concrete. Furthermore, the walk will be separated from vehicles by a 6' inch curb. Based on the design as proposed, the walkway will provide safe, direct, and convenient access to the users of the site.

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.

Applicant Response: The proposal does not include public facility improvements outside of land use process; therefore, this section does not apply.

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.**

Applicant Response: The area is developed with the infrastructure needed to serve the site. All service extension will be constructed in conformance with City standards and specifications. Furthermore, all frontage improvements as proposed by the Applicant will be constructed to City standards and specifications.

- 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.**

Applicant Response: Water and sewer mains exist in the abutting right of way and provide service to the property. The existing mains have adequate capacity to accommodate the proposed development. It is not anticipated that upgrades to the mains will be necessary or that over-sizing will be applicable to this development.

- 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.**

Applicant Response: Huntington Road adjacent to the property has been improved, but does not fully conform to current City Standards. The applicant proposes to dedicate 7 feet of right of way along the property frontage, improve the existing sidewalk and replace any substandard or damaged curb along the property frontage. As proposed, the project conforms to the standards of this section and it is not anticipated that additional street or sidewalk improvements will be required.

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

Applicant Response: The property abuts full streets; the half street provisions of this section are not applicable.

15.90.030 Sewer and Water

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

Applicant Response: The proposal includes the extension of both sewer and water services. The Applicant understands that construction plans for the connections must be submitted and approved prior to the commencement of work. In order meet the requirement, a set of construction plans complying with City standards and specifications will be submitted to the City for approval.

- 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.**

Applicant Response: Water and sewer mains exist in the abutting rights of way. The existing facilities have adequate capacity to accommodate the proposal. It is not

anticipated that development permits will be restricted or rationed due to water or sewer capacity.

15.90.040 Stormwater.

- 1. 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.**
- 2. 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.**

Applicant Response: Public and private improvements are considered in this review. The Huntington Road Improvements are proposed in accordance with City Standards, which will ensure that stormwater is adequately addressed. Regarding on-site improvements, the proposal is supported by a drainage plan that documents how drainage will be maintained on-site. As proposed, the design conforms to these standards.

15.90.050 Utilities

- A. General Provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.**
- B. Underground Utilities. All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.**

Applicant Response: The applicant has coordinated with all utility providers and has confirmation that they can and will serve the new development. All new utilities are planned to be extended underground, in conformance with these standards.

C. Subdivisions...

Applicant Response: The proposal does not include a subdivision, therefore this section 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.

Applicant Response: The proposal does not include an exception to providing new utilities underground; therefore, this standard 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.

- 1. 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.**
- 2. 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.**
- 3. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time when no longer needed.**
- 4. 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.**
- 5. 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.**
- 6. The design, construction, operation, and maintenance of a tourist-oriented or public wayside.**

Applicant Response: The proposal includes improvements in the Huntington Road right-of-way, resulting in sidewalks and a driveway apron along the subject property. Pursuant to this section, the noted improvements are permitted and exempt from the requirements of the Code.

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.

Applicant Response: The above requirement applies to land division applications. The proposed application is for a commercial building and not a land division.

However, the submittal packet is supported by a Traffic letter that has been prepared by Transight Consulting, LLC. The Traffic Report considered traffic generated from the entire development and found that the proposal, with planned improvements, can conform to City Standards. The surrounding right of ways exist, and improvements are proposed in the existing right of way. The location, width, and grade of the improvements in Huntington Road are consistent with Code Requirements and City Public Works Standards, and thus in proper relationship with the surrounding properties and developed rights of way. The proposed design ensures added convenience and safety to the surrounding properties and the community at-large. The proposal, including planned improvements, will ensure conformance with this standard.

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.**

Applicant Response: Huntington Road is an existing street that serves the surrounding area. The design conforms to the La Pine Transportation System Plan and the topography that exists on the site and surrounding area. As designed, the proposal conforms to these standards.

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.

Applicant Response: No cul-de-sacs are proposed as part of the application and no cul-de-sacs exists within the immediate area. All existing streets are laid out in a general grid pattern, eliminating the need for additional access ways.

D. Future street extensions...

Applicant Response: The proposal includes improvements in existing right-of-way with an established grid. Street extensions are not anticipated in this area; therefore, this section 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.

Applicant Response: The TSP established the following standards:

Roadway Cross Section Standards

Table 4-4 presents the dimensional standards for the five proposed functional classifications in La Pine.

Table 4-4 Roadway Cross-Section Standards

Functional Classification	Features/Dimensions (Each Direction)					Left Turn Lane/ Median	Total Paved Width	Total Right-of-Way Width
	Travel Lane	Bike Lane	On-Street Parking	Sidewalk	Planter Strip			
Arterial	12'	6'	None	6'	8'	Left-Turn Lanes, 14'	36' to 50'	78'
Major Collector	11'	6' ¹	7' ²	6'	8'	None	34 ¹ - 48'	76'
Local Street	11'	None	7'	6'	8'	None	36'	64'
Downtown Arterial	12'	6'	Optional, 7'	8'	8'	Optional Landscaped Median, 14'	50'	82'
Minor Collector	11'	6'	None	6'	8'	None	34'	62'
Industrial Collector	14'	6'	None	6'	None	None	40'	52'

¹ On low volume, low speed (>30 mph) facilities, alternative bicycle facilities can be considered at the discretion of the City

² On-street parking provide adjacent to commercially zoned properties

Huntington Road adjacent to the property has been improved, but, does not fully conform to current City Standards. The applicant proposes to dedicate 7 feet of right of way along the property frontage and to improve the existing sidewalk and replace any substandard or damaged curb along the property frontage. As proposed, the project conforms to the standards of this section and it is not anticipated that additional street or sidewalk improvements will be required.

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.

Applicant Response: As documented on the Plan Set, sidewalk improvements are proposed along the Huntington Road frontage of the property, which is consistent with the City of La Pine TSP. As designed, the proposal conforms to this standard.

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.

Applicant Response: As shown on the Plan Set, bicycle lanes currently exists within the Huntington Road roadway. The existing bike lanes conform to this standard will continue to serve the surrounding area.

H. Cul-de-sacs...

Applicant Response: The design does not include any cul-de-sacs; therefore, this section 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.

Applicant Response: The proposal abuts a downtown arterial street. However, the City is allowing access to the roadway from the existing curb cut that was previously approved. Therefore, no mitigation is required.

J. Streets adjacent to railroad right-of-way...

Applicant Response: The property is not adjacent to a railroad right of way. Further, no new streets are proposed with this application; therefore, this section 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.

Applicant Response: The property is not abutted by a reserve strip and no reserve strips are proposed; therefore this section does not apply.

L. Alignment...

M. Intersection angles...

N. Curves...

O. Street grades...

P. Street names...

Applicant Response: The proposal includes development in conjunction with an existing street right of way; the proposal does not modify the existing street alignment, intersection angles, curves, grades or names; therefore, the standards of these sections do 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.

Applicant Response: Street signs exist in the vicinity of the property and no new streets are proposed. Therefore, the installation of new street signs is not applicable.

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.

Applicant Response: The applicant understands that it will be their responsibility to provide and install any required traffic control signs and plans to do so as needed to facilitate the planned improvements.

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.

Applicant Response: The development is proposed in an area with an established street grid, including an unimproved alley along the west boundary of the property. However, an access from the arterial street exists to serve the site and the associated parking. The City has stated that the existing access from the arterial can be improved and used to serve the site. Therefore, access from the existing alley is not required.

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.

Applicant Response: As shown on the Plan Set, curbs exist along the property frontage. The Applicant is proposing to replace all substandard and damaged curbs that exist along the frontage. Future designs will be coordinated with the City Engineer to ensure they conform with standards and specifications.

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. Street lights, if required, shall include one (1) fixture and be located at the intersection of streets.

Applicant Response: The streets in the area are existing and it was previously determined that no street lights are needed for the adjacent intersection; therefore the installation of street lights is not anticipated.

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.

Applicant Response: The applicant has coordinated with all utility providers and has confirmation that they can serve the parcels, as evidenced by the attached "Will Serve" letters. All new utilities are planned to be extended underground, in conformance with 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.

Applicant Response: New impervious areas that are reviewed with this Application include public streets and sidewalks and on-site improvements. As shown on the cross sections, which are included on the Exhibits, the street and sidewalk designs conform to City Standards and include infiltration swales. The street and walkway designs, including the storm water management therein, will accommodate all existing and future run-off, and will be reviewed by the City Engineer prior to construction. Regarding on-site drainage, as shown on the Drainage Plan, all on-site drainage will be accommodated in drainage swales. As designed the proposal conforms to these standards.

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

Applicant Response: Neither private streets nor gates are proposed. This section does not apply.

15.90.080 Traffic Impact Analysis

- A. Purpose.** The purpose of this subsection is coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.
- B. When a Traffic Impact Analysis is Required.** The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:...
- 1. A change in zoning or a plan amendment designation;**
 - 2. Operational or safety concerns documented in writing by a road authority;**
 - 3. An increase in site traffic volume generation by [300] Average Daily Trips (ADT) or more;**
 - 4. An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;**
 - 5. An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;**
 - 6. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;**
 - 7. A change in internal traffic patterns that may cause safety concerns; or**

8. A TIA required by ODOT pursuant to OAR 734-051.

Applicant Response: The submittal packet is supported by a traffic letter that has been prepared by Transight Consulting, LLC. The Traffic Report considered traffic generated from the entire development as minimal; therefore, a TIA is not required

- 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.**

Applicant Response: The submittal packet is supported by a traffic letter that has been prepared by Joe Bessman of Transight Consulting, LLC. Joe Bessman is a professional engineer registered by the State of Oregon, as depicted by the stamp on the report. Based on the number of trips generated by the development, the traffic study as submitted satisfies the above requirement.

- 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...**

Applicant Response: Waiver or deferment is not proposed at this time. These provisions do not apply.

Chapter 15.92 Additional Standards for Land Divisions

15.92.010 Lots and Blocks.

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

Applicant Response: The property is located in area that has an existing street pattern. The addition of street connection is precluded by existing development patterns within the area. Therefore, it can be found that existing block layout satisfies the standards to the greatest extent practical.

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.

Applicant Response: The site plan review is for the development of an existing lot. A comprehensive review of the commercial lot size requirements was addressed above. As detailed in that section, the proposal complies with the applicable lot size, width, shape and orientation provisions; therefore, the proposal complies with this standard.

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.

Applicant Response: As shown on the Plan Set, the property has frontage along Huntington Road. The frontage along the roadway is in excess, meeting the above standard.

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.

Applicant Response: The proposal does not establish any new side property lines.

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.

Applicant Response: The parcels are not divided by right-of-way, drainage ways, a 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; therefore the proposal complies with this standard.

D. 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.
 1. 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.
 2. 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.
 3. The Planning Commission's decision on the proposal shall be based on the following considerations.
 - a. (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.
 - b. (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.
 - c. (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.
 - d. (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.

Applicant Response: Development of the site will require grading and the applicant plans to abide by the provisions of this section. Detailed grading plans will be provided with the Building Permit.

G. Through or double-frontage lots and parcels...

Applicant Response: The proposal does not result in the creation of any through or double frontage parcels; therefore, this section does not apply.

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.

Applicant Response: No additional setbacks apply to the subject property; therefore, this standard does not apply,

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.

Applicant Response: Large building lots are not proposed; therefore, it is not anticipated that the City will require added site restrictions.

15.92.020 Easements

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

Applicant Response: If required by a serving entity, the applicant will provide utility easements, as referenced by this section.

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.

Applicant Response: The property is not traversed by a water course; therefore, an easement for the purposes identified in this section is not applicable

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.

Applicant Response: The surrounding area is not developed with walkways or bicycle routes. Above and beyond the connections that are proposed, additional connections are not needed or appropriate at this time.

- 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.**

Applicant Response: Water mains are located within the adjacent right of way. It is not anticipated that water or sewer lines will need to cross the parcels; therefore it is not anticipated that additional easements noted in this section will be necessary.

15.92.030 Land for Public Purposes

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

development charge ordinance. If the collecting agency will not permit the land or money dedication in lieu of an applicable systems development charge, then the land and development or money dedication shall not be required.

- E. If the nature and design, or approval, of a development is such that over 30% of the tract of land to be developed is dedicated to public uses such as streets, water or sewer system facilities and the like, then the requirements of this subsection shall be reduced so that the total obligation of the developer to the public does not exceed 30%.

Applicant Response: To date the applicant has not been informed of the need for public land. The applicant does not anticipate that the provisions of this section will be necessary.

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.

Applicant Response: The proposal will result in new improvements, along with water and sewer service laterals. The applicant will follow the provisions of this section to the extent necessary and applicable.

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.

Applicant Response: The proposal includes improvements, along with the extension of water and sewer laterals to serve development on the parcels. The applicant plans to install the infrastructure prior to occupying the new structures and plans to comply with the provisions of this section, to the extent applicable.

15.94.030 Building and Occupancy Permits.

1. **Building permits.** No building permits shall be issued upon lots to receive and be served by sanitary, sewer and water service and streets as improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the City, with the service connections fees paid, and accepted by the City.
2. **Sale or occupancy.** All improvements required pursuant to this chapter and other applicable regulations or approval conditions shall be completed, in service and approved by the City, and accepted by the City Council, prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the subdivision, partitioning, PUD or other development.

Applicant Response: The applicant plans to obtain all necessary permits prior to occupying the buildings.

15.94.040 Maintenance Surety Bond

Prior to sale and occupancy of any lot, parcel or building unit erected upon a lot within a subdivision, partitioning, PUD or other development, and as a condition of acceptance of improvements, the City will require a one-year maintenance surety bond in an amount not to exceed 20% of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

15.94.050 Engineering/Special Services for Review

With regard to any development proposal for which the City deems it necessary to contract for engineering and/or other special technical services for the review thereof or for the design of facility expansions to serve the development, the developer may be required to pay all or part of the special services. In such cases, the choice of the contract service provider shall be at the discretion of the City, and the service provider shall perform the necessary services at the direction of the City. The costs for the services shall be determined reasonable, and an estimate of the costs shall be provided to the developer prior to contracting therefore.

Applicant Response: The proposal includes improvements, along with the extension of water and sewer laterals to serve development on the parcels. The applicant plans to install the infrastructure prior to occupying the associated buildings. The applicant will provide a surety bond or special review as needed.

V. Compliance with Article 6 – Special Use Standards:

Sec. 15.102.020. - Applicability.

All uses listed in [chapter 15.104](#) and [chapter 15.108](#) are subject to the standards of [article 6](#). Special use standards may apply to an entire use category, as described in [chapter 15.14](#), use categories, or a specific use within a use category. The standards of this chapter supplement the other requirements of this article. When a dimensional standard for a special use differs from that of the underlying district, the standard for the special use shall apply.

Applicant Response: As proposed the use will be a commercial use in an commercial zone. Article 6 of the development code does not recognize the use within the zone as a special use; therefore, this section of the development code is not applicable.

VI. Compliance with Article 7 - Procedures:

15.202.0010 Purpose and Applicability

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

Applicant Response: This section addresses the procedures that will be utilized in the review of this application packet. The procedures do not include any development standards or approval criteria that the applicant needs to document conformance with, instead this sections details how the applications are to be reviewed by the City. The majority of the provisions of this Article direct City Staff, however there are a few sections that identify applicant required procedural provisions. The applicant anticipates that all applicable procedures of this section will be followed by City Staff. The procedures that are requirements of the applicant (and those which could use further analysis), are addressed below.

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

- 2. Type II Procedure (Administrative/Staff Review with Notice).** Type II decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the Planning Commission. Alternatively, the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting.

Applicant Response: The proposal is a Site Plan. Based upon Table 15.202-1, the applicant anticipates that the application will be reviewed via the Type II procedure.

15.202.020 Time Limit and Consolidated Review.

- C. Consolidated Review of Applications.** When an applicant applies for more than one type of application for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

Applicant Response: The applicant has submitted for site plan review only. Therefore, there is no need for a consolidated review.

15.202.040 Pre-application conference

- A. A pre-application conference is encouraged for complex applications or for applicants who are unfamiliar with the land use process and is required for all Type III applications. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the applicable land use codes, to provide for an exchange of information regarding applicable requirements of the comprehensive plan, zoning code or land division code and to identify issues likely to arise in processing an application. The applicable zoning code may require that a pre-application conference be held for particular types of applications.**
- B. Required pre-application conferences must be held no more than one year prior to the submittal of a Type III land use application. Requests for pre-application conferences shall be made on a form provided by the City.**

Applicant Response: The applicant held a pre-application meeting with City Staff on June 9, 2022. The pre-application meeting that was held conforms to these requirements.

15.202.050 Neighborhood Contact

- A. Purpose and Applicability. Unless waived by the City Planning Official, applicants for master plans, subdivisions with more than 10 lots, major variances and property owner-initiated for zone changes are required to contact neighboring property owners and offer to hold a meeting with them prior to submitting an application...**

Applicant Response: The proposal is for a Site Plan. It is not for a master plan, subdivisions with more than 10 lots, major variance, or property owner-initiated for zone change. Therefore Neighborhood Contact is not required.

VII. Compliance with Title 8 - Applications and Reviews

Chapter 15.312 – Site Plan Review

15.312.010 Purpose

- A. The purpose of the site plan review provisions of this section is to ensure that development within the City complies with standards and limitations set forth within the applicable zone, by other city standards and requirements and by applicable county, state and federal regulations.**
- B. This broad purpose is furthered by the following specific purposes of site plan review.**

1. To implement the goals and policies of the Comprehensive Plan.
2. To foster development that is designed, arranged and constructed in a manner that provides a safe, efficient and aesthetically pleasing community asset.
3. To encourage originality and creativity in site design, architecture and landscape design.
4. To ensure that the arrangement of all functions, uses and improvements of a development reflect the natural amenities, capabilities and limitations of its site and adjacent areas.
5. To encourage development where the various structures, use areas and site elements are integrated in a manner that is visually harmonious within the development and the surrounding area.
6. To encourage development and landscape design that complements the natural landscape and setting, improves the general appearance of the community and enhances specific elements of the manmade environment, both presently and historically.

Applicant Response: This is a purpose statement and it does not provide any measurable development standards or approval criteria.

15.312.020 Applicability

The following uses and development shall be subject to the provisions of this section.

- A. All new construction or new development except for: single-family residences (including manufactured dwellings, mobile homes, modular homes), duplexes, accessory dwelling units and related accessory structures unless provided otherwise in this chapter....

Applicant Response: The proposal includes new development and is a development other than a single family home, duplex, or accessory dwelling; therefore Site Plan Review is required.

15.312.025 Site Plan approval required

Site Plan review and approval, as specified by this chapter, shall be required prior to the following:

- A. Site clearance activities such as grading, excavation or filling for any use or development requiring a permit pursuant to this Code.
- B. The issuance of a building or development permit for any use or development

requiring City approval pursuant to this Code.

Applicant Response: The applicant plans to receive approval prior to initiating any of the items listed in this section.

15.312.030 Procedure Type

B. Site Plan Review applications are subject to Type II Review in accordance with the procedures in Article 7 unless elevated to a Type III review at the discretion of the Planning Official.

Applicant Response: Based upon the provisions of this section and pre-submittal correspondence, the applicant anticipates that the review will occur as a Type II Review.

C. Pre-application conference. Prior to applying for site plan approval, applicants should and may meet with the City Planning Official, Building Official and Public Works Director, or designees thereof, and present a preliminary plan which shall contain, in an approximate manner, the information required on a site plan review application.

- 1. The purpose of the preliminary site plan review is to enable the applicant to obtain advice from the City as to the intent, standards, criteria and provisions of this Chapter, this Code, other city ordinances, standards and regulations, and state and federal rules and regulations which may be pertinent to the proposal.**
- 2. Information presented for preliminary discussion shall be considered confidential if so requested by the applicant.**

Applicant Response: The applicant held a pre-application meeting with City Staff on June 9, 2022. The pre-application meeting that was held conforms to these requirements.

15.312.040 Submittal Requirements

A property owner or authorized representative thereof may initiate a request for site plan review by filing an application with the City using forms prescribed by the City together with the required filing fee in accordance with the Type II application requirements in Article 7. In addition to the information required for a Type II review (see Article 7), the applicant shall submit that which is listed below.

A. Requirements for information to be submitted. Information provided on the site plan shall conform to the following. The number of copies required shall be as specified on the application form.

- 1. Drawings depicting the proposal shall be presented on sheets not larger than 24 inches by 36 inches in the number of copies directed by the City.**

2. To facilitate public reviews and notice, at least one copy of the proposal shall be provided on a sheet of paper not larger than 11 inches by 17 inches.
3. Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned and shall include a north arrow and scale.
4. The City may require that the drawing, development plan or other information be provided to the City on computer disk in a format adaptable to the city's computer systems.

B. Site analysis diagram. If required by the City Planning Official, this element of the site plan, which may be in schematic or free hand form to scale, shall indicate the following site characteristics.

1. Location and species of existing trees greater than six inches in diameter when measured four feet above the natural grade, and an indication of which trees are proposed to be removed.
2. On sites that contain steep slopes, potential geological hazard or unique natural features that may affect the proposed development, the city may require contours mapped at two-foot intervals.
3. Natural drainage ways, depths of any ground water tables less than 12 feet, any areas of surface water accumulations and any other significant natural features.
4. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site, and all buildings, utilities, retaining walls, and other manmade features, both existing and proposed.
5. Natural features, including trees, riparian habitat and stream channels and structures on-site or on adjoining properties that have or may have a visual or other significant relationship with the site and the proposed development thereon.

C. Site photographs. Photographs depicting the site and its relationship to adjoining sites and the general area are extremely valuable, should be provided, and may be required by the City Planning Official.

D. Site development plan. The site plan shall indicate the following.

1. Legal description of the property.
2. Boundary dimensions and site area.

- 3. Location and sizes of existing and proposed utilities, including water lines, sewer lines, hydrants, etc.**
- 4. Location of all existing and proposed structures, including distances from the property lines.**
- 5. Area of the site to be covered by structures, existing and proposed, and the percentage of site coverage thereby.**
- 6. All external dimensions of existing and proposed buildings and structures. 8-9**
- 7. Location of building entrances and exits.**
- 8. Access drives, parking and circulation areas, including their dimensions.**
- 9. Service areas and delivery circulation plan for such uses as the loading and delivery of goods.**
- 10. Locations, descriptions and dimensions of easements as may be applicable.**
- 11. Grading and drainage plans and calculations, including spot elevations and contours at intervals close enough to convey their meaning.**
- 12. Location of areas to be landscaped, including designated landscape materials/plants types and sizes.**
- 13. Outdoor recreation and/or play areas.**
- 14. Pedestrian and bicycle circulation, including existing and proposed onsite and offsite sidewalks.**
- 15. Location of mechanical equipment not enclosed within a building, garbage disposal areas, utility appurtenances and similar structures.**
- 16. Exterior lighting and fencing.**
- 17. Location, size and method of illumination of signs.**
- 18. Provisions for handicapped persons.**
- 19. Other site elements which will assist in the evaluation of site development.**
- 20. Location, names, surface and right-of-way widths and improvement standards of all existing and proposed streets within or adjacent to**

the proposed development.

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

Applicant Response: As documented on the attached Exhibits, the submittal packet includes plans that document all elements detailed herein that are necessary to determine conformance with the applicable development standards and approval criteria.

- E. Accompanying written summary. In addition to the foregoing site development plan requirements, a written summary of the proposal should be provided and may be required showing the following, (unless such is shown on the site development plan).**
 - 1. Commercial and nonresidential development. For commercial and nonresidential development:**
 - a. The square footage contained in the site area to be developed.**
 - b. The percentage of the area to be covered by structures when developed.**
 - c. The percentage of the area to be covered by parking areas and the total number of parking spaces.**
 - d. The total square footage of all landscaped areas, including the percentage consisting of natural materials and the percentage of hard surfaced areas such as courtyards.**
 - e. Trip generation letter, signed by a professional engineer registered by the State of Oregon (unless waived by the City Planning Official). A Traffic Impact Analysis may be required in accordance with Section 15.90.080.**
 - 2. Residential development. For residential development:**
 - a. The total square footage of the lot or parcel and in the structures in the development.**
 - b. The number of dwelling units in the development (include the units by the number of bedrooms in each unit, for example, ten one-bedroom, 25 two-bedroom and the like).**

- c. **Percentage of lot coverage by structures, way areas, recreation areas and landscaping.**
- d. **Trip generation letter, signed by a professional engineer registered by the State of Oregon (unless waived by the City Planning Official). A Traffic Impact Analysis may be required in accordance with Section 15.90.080.**

Applicant Response: As documented on the attached Exhibits, the submittal packet include plans that document all elements detailed herein that are necessary to determine conformance with the applicable development standards and approval criteria.

- E. Landscape plan. If required by the City Planning Official, a landscape plan shall be submitted and shall indicate the following.**
1. **The size, species and locations of plant materials to be retained or placed on site.**
 2. **The layout of irrigation facilities.**
 3. **Location and design details of walkways, plazas, courtyards and similar areas.**
 4. **Location, type and intensity of outdoor lighting.**
 5. **Location and design details of proposed fencing, retaining walls and trash collection areas.**
 6. **Other information as deemed appropriate by the review authority. An arborist's report may be required for sites with mature trees that are to be retained and protected.**

Applicant Response: The application is supported by a Landscape Plan which includes all items noted in this section.

- F. Architectural drawings. This element of the site plan review, if required by the City Planning Official, shall indicate the following.**
1. **A plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions and the relationship of the spaces to decks, porches, balconies and stairs or other features shown on the building elevations. The floor plans shall be provided for all building floors and shall include appropriate dimensions.**
 2. **Exterior elevations showing building heights, windows, doors, exterior light fixtures, stairways, balconies, decks and other**

architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations.

3. **Location and type of exterior light fixtures, including the lamp types and the levels of illumination that they provide.**
4. **Location, size and method of illumination of all exterior signs.**

Applicant Response: The application is supported by Architectural Plans which includes all items noted in this section.

G. Property survey. A survey of the property by a licensed land surveyor may be required, and if required the survey shall clearly delineate property boundaries, and show the location of the corners of proposed buildings and other significant features proposed for the site. The requirement for a survey of the exterior boundaries of a site may be waived where it is found that there is a recent survey that can be used to clearly establish the applicant's property boundaries.

Applicant Response: The Site Plan and supporting documents were provided by Know Ledge Engineering and based upon a survey of the site.

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

Applicant Response: The site is not encumbered by any existing deed restrictions and no new deed restrictions are proposed.

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

Applicant Response: This document is the written narrative addressing the applicable criteria.

J. Other information as determined by the City Planning Official. The City Planning Official may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Code.

Applicant Response: To date, no other information has been requested by the City.

15.312.050 Approval Criteria – All Residential and Non-Residential

To ensure that the stated purposes of the site plan review process are met, the review authority shall be governed by the criteria below as they evaluate and render a decision on a proposal.

A. Statement of intent.

- 1. The site plan review criteria are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the City with a means of reviewing proposed plans.**
- 2. These criteria provide a clear and objective means of evaluating residential development (and the residential components of a mixed use development) in accordance with ORS 197.**
- 3. The review authority is not authorized as a part of the site plan review process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this Code.**

Applicant Response: This is a purpose statement and statement of intent. These sections do not provide any measurable development standards or approval criteria.

B. Site Plan Evaluation Criteria. The following criteria shall be used in evaluating all site development plans.

- 1. The application is complete, in accordance with the applicable procedures in Article 7;**

Applicant Response: A complete review of Article 7 – Procedures was noted above. As detailed therein, the proposal complies with the noted procedures and it is anticipated that City Staff will review the Application in accordance with the procedures that are established in that section. Therefore, the proposal complies with this approval criterion.

- 2. The application complies with all applicable provisions of the underlying Zoning District in Article 3, including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards;**

Applicant Response: A complete review of Article 3 –was noted above. As detailed therein, the proposal complies with all standards of the I Zone; therefore, the proposal complies with this approval criterion.

- 3. The application complies with the provisions of the any applicable Overlay Zones in Article 4;**

Applicant Response: A complete review of Article 4 –was noted above. As detailed therein, the proposal complies with all standards of the I Zone; therefore, the proposal complies with this approval criterion.

4. The proposal complies with all applicable Development and Design Standards of Article 5;

Applicant Response: A complete review of Article 5 –was noted above. As detailed therein, the proposal complies with all standards of Article 5; therefore, the proposal complies with this approval criterion.

5. The application complies with all applicable Special Use standards in Article 6;

Applicant Response: A complete review of Article 6 –was noted above. As detailed therein, the proposal complies with the special standards that apply to commercial developments; therefore, the proposal complies with this approval criterion.

6. Adequate public facilities and utilities are available or can be made prior to occupancy to serve the proposed development;

Applicant Response: Water and Sewer mains are located within the abutting rights-of-way. The existing mains have capacity to serve the development through the existing laterals that serve the site. Furthermore, the proposal includes additional right of way dedication and frontage improvements. As designed the proposal conforms to this approval criterion.

7. The proposed Site Plan conforms to the standards within the adopted La Pine Transportation System Plan (TSP), as may be amended from time to time, unless other design standards are specifically approved by the City.

Applicant Response: The submittal packet is supported by a traffic letter that has been prepared by Transight Consulting, LLC. The Traffic Report considered traffic generated from the entire development and found that the proposed Site Plan with the proposed improvements conforms to the standards within the adopted La Pine Transportation System Plan (TSP).

8. The proposed Site Plan conforms to the La Pine sewer and water standards, as may be amended from time to time, unless other design standards are specifically approved by the City. All sewer improvements must comply with Oregon Administrative Rules Chapter 340 Division 52 requirements, including Appendix A - Sewer Pipelines.

Applicant Response: Water and sewer mains are located within the abutting rights-of-way. The existing mains have capacity to serve the development and proposal through proposed service laterals. The proposed extensions conform to La Pine sewer and water standards.

- 9. The proposed Site Plan conforms to the Central Oregon Stormwater Manual (COSM), as may be amended from time to time, unless other design standards are specifically approved by the City.**

Applicant Response: As detailed throughout this narrative, street improvements will conform to City of La Pine Design Standards and on-site improvements are proposed to manage drainage on-site with infiltration swales. City Standard street design will ensure conformance with the COSM and all on-site improvements have been planned in accordance with COSM. Final drainage plans will be reviews through public improvement review and/or Building Permit review. The proposal design conforms to this approval criterion.

- 10. All utilities shall be installed underground, unless otherwise specifically approved by the City.**

Applicant Response: As noted throughout this narrative, all new utilities are planned to be installed underground and therefore in conformance with this approval criterion.

- 11. The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.**

Applicant Response: The proposal is for new development; therefore there is not any existing approval or conditions of approval that apply to the site.

Note: Compliance with other City codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

Applicant Response: This statement is informational only.

15.312.060 Additional Approval Criteria – Non-Residential Development

In addition to the approval criteria in Section 15.312.050, to ensure that the stated purposes of the site plan review process are met, the review authority shall also be governed by the criteria below as they evaluate and render a decision on a non-residential development proposal.

A. Statement of intent.

- 1. The site plan review criteria for non-residential development are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.**
- 2. These criteria are not intended to be inflexible requirements, nor are they intended to discourage creativity. The specification of one or more architectural styles is not intended by these criteria.**
- 3. The review authority is not authorized as a part of the design review**

process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this chapter.

Applicant Response: This is a purpose statement and statement of intent. These sections do not provide any measurable development standards or approval criteria.

B. Site Plan evaluation criteria. In addition to the approval criteria in Section 15.312.050, the following criteria shall be used in evaluating non-residential site development plans.

- 1. The arrangement of all functions, uses and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites.**

Applicant Response: The proposal is related to economic development and will utilize employment lands in the manner in which they are intended for the surrounding area. The use is permitted outright in the “C” Zone and downtown overlay zone. The use is synchronized to the surrounding uses through the use of parking, walkways, and landscaping. While respecting the current and future needs of the community, the design has been arranged to harmonize with natural characteristics to the greatest extent practical. Improvements along the property frontage will further harmonize the area by improving limitations of the site and surrounding area. Overall, the project conforms to this approval criterion.

- 2. In terms of setback from streets or sidewalks, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures.**

Applicant Response: The property has been developed in a manner that will allow the building to interact with the street, meeting the intent of the downtown overlay zone design standards. The design standards encourage interaction through the use of visible entrances that connect to the existing right of way, while providing a variety of building materials, including windows to provide transparency. As demonstrated above, the building design meets the design requirements, creating a visually interesting building that is compatible with the surrounding area.

Overall, the proposed development will be a significant improvement in the area and add visual interest in the area, in accordance with this approval criterion.

- 3. The design incorporates existing features, such as streams, rocks, slopes, vegetation and the like, as part of the overall design.**

Applicant Response: The site does not have any streams, rocks, vegetation or slopes. However, the site will introduce landscaping, creating a feeling of open spaces in those areas that are to be landscaped. Therefore, it can be found that as designed, the

proposal complies with this approval criterion.

- 4. Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscape/open space in order to create a pedestrian/bike pathway and/or open system that connects several properties or uses.**

Applicant Response: There is not any adjoining landscaping or open space areas, nor are there any pedestrian or bike facilities in the area. The proposal provides landscape areas around the perimeter of the site and includes the installation of public sidewalks along the eastern property line. As proposed, the design conforms to this criterion to the maximum degree possible at this time.

- 5. The arrangement of the improvements on the site do not unreasonably degrade the scenic values of the community and the surrounding area in particular.**

Applicant Response: There are not any established scenic corridors, elements, or protected features in the area. The design includes development that conforms to all required setback, height and lot coverage standards; the design is appropriately scaled for the site. Furthermore, the design accommodates parking in an efficient manner. The arrangement of improvements on the site is efficient and accommodates needs in the community. Given the efficient design and the fact that there are no protected scenic elements, the proposal will not unreasonably degrade any scenic values of the community or the surrounding area and the proposal conforms to this approval criterion.

- 6. Where appropriate, the design includes a parking and circulation system that encourages a pedestrian and/or bicycle rather than vehicular orientation, including a separate service area for delivery of goods.**

Applicant Response: The proposal includes an 8 foot sidewalk along the Huntington Road property frontage and walkways that extend to the development, without crossing any parking area. In addition to the public improvements and on-site walkways, the design provides bicycle parking spaces that will be directly located in front of the development. As proposed, the design encourages walking and biking to a practical extent.

- 7. The design gives attention to the placement of storage, mechanical equipment, utilities or waste collection facilities so as to screen such from view, both from within and from outside the site.**

Applicant Response: The building will be able to facilitate the storage of trash and recycling within utility rooms, providing screening from both within and outside the site. All other exterior mechanical equipment will be ground mounted and screened by vegetation. As designed, exterior equipment is sufficiently screened.

C. Landscape design evaluation criteria. The following criteria shall be used in evaluating landscape plans.

- 1. The overall design substantially complements the natural environment of the city and the character of the site and the surrounding area.**

Applicant Response: As detailed on the Landscape Plan, the proposed landscaping will improve the design of the property. It will complement the site while allowing the functionality needed for the use. As designed, the proposal complies with the approval criterion.

- 2. The design acknowledges the growing conditions for this climatic zone, and the unique requirements that its specific site location makes upon plant selection.**

Applicant Response: The vegetation selection has been coordinated with local landscaping companies and has been selected based upon the climatic zone in La Pine and the requirements of the site. As designed, the proposal complies with this approval criterion.

- 3. Provision has been made for the survival and continuous maintenance of the landscape and its vegetation.**

Applicant Response: The applicant plans to water the landscaping areas and to replace any vegetation that fails to survive.

- 4. The design contributes to the stabilization of slopes and the protection of other natural features and resources where applicable.**

Applicant Response: The site does not include any slopes that require extraordinary stabilization and not does it include any existing vegetation to preserve. As proposed, the design conforms to this approval criterion.

15.312.070 Conditions of Approval

In addition to the standards and conditions set forth in a specific zone, (if found to be necessary and supported with adequate findings) additional conditions may be imposed by the City which are found to be necessary to avoid a detrimental impact on adjoining properties, the general area or the city as a whole, and to otherwise protect the general welfare and interests of the surrounding area. The conditions may include, but are not limited to, the following.

- 1. Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restrictions to minimize environmental impacts such as noise, vibration, air or water pollution, glare and odor.**
- 2. Establishing a special setback or other open space requirements, and increasing the required lot size or other dimensional standards.**
- 3. Limiting the height, size or location of a building or other structure or use.**

4. **Increasing street width and/or requiring improvements to public streets and other public facilities serving the proposed use, even including those off-site but necessary to serve the subject proposal.**
5. **Designating the size, number, improvements, location and nature of vehicle access points and routes, and requiring pedestrian and/or bicycle ways.**
6. **Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor or security lighting, and the intensity and/or direction thereof.**
7. **Requiring screening, fencing or other improvements or facilities deemed necessary to protect adjacent or nearby properties, and establishing requirements or standards for the installation and maintenance thereof.**
8. **Protecting and preserving existing trees, other vegetation and water, scenic, historic, archaeological, unique, landmark or other natural or manmade significant resources.**

Applicant Response: While this section provides conditions that can be imposed on the development, based upon the size and scale of the proposal, along with pre-submittal correspondence, the applicant does not anticipate that any of these conditions will be imposed.

15.312.080 Revision of Plans ...

Applicant Response: In the event that there is a need to revise the plans, the applicant understands that this section would apply.

15.312.090 Performance Assurance

1. **Landscaping and other site improvements required pursuant to an approved design review plan shall be installed prior to the issuance of a certificate of occupancy or final inspection, unless the property-owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.**
2. **In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the City. Acceptable performance assurances shall be in compliance with the provisions of this chapter or as otherwise approved by the City.**
3. **Performance Guarantee Required for Infrastructure Improvements. The City at its discretion may allow a developer to delay installation of required public infrastructure improvements provided such infrastructure improvements must be complete and accepted by the City prior to the issuance of a certificate of occupancy, and provided that the applicant**

provides assurance for said improvements acceptable to the City. The applicant shall provide a bond issued by a surety authorized to do business in the state of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the City, cash, or other form of security acceptable to the City.

Applicant Response: In the event that performance assurances are needed, the applicant understands that this section would apply.

VIII. Summary and Conclusion:

Based on the discussion above, as well as the exhibits included with this application, the Applicant has documented that the Site Plan request meets the applicable approval criteria. Because the proposal conforms to all applicable criteria and standards, the applicant respectfully requests that the City approve the Site Plan as proposed.