



Community Development Department
 PO Box 2460 16345 Sixth Street
 La Pine, Oregon 97739
 Phone: (541) 536-1432 Fax: (541) 536-1462
 Email: info@lapineoregon.gov

Partition Application

Fee \$ 1,600.00

File Number # _____

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

PROPERTY OWNER AND APPLICANT INFORMATION

Applicant Name 424 Lincoln LLC / Paul Burger Phone 541-647-8012 Fax _____
 Address 19717 Mt Bachelor Drive City Bend State OR Zip Code 97702
 Email paul.b@halliedevelopment.com
 Property Owner Same as Applicant Phone _____ Fax _____
 Address _____ City _____ State _____ Zip Code _____
 Email _____

PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, general area) _____
51285 Erling Drive
 Tax lot number ~~T-15 R-13~~ Section _____ Tax Lot(s) 221014CD00208
 Zoning RSF Total Land Area _____ (Square Ft.) .32 (Acres)
 Present Land Use Vacant land in the Evans Way Estates Phase 1 subdivision



Community Development Department
PO Box 2460 16345 Sixth Street
La Pine, Oregon 97739
Phone: (541) 536-1432 Fax: (541) 536-1462
Email: info@lapineoregon.gov

PROJECT DESCRIPTION

Describe Project: _____

The applicant is requesting Tentative Partition Plan Review to divide the land as 2 parcels:

- Parcel 1 = 7,587 square feet
- Parcel 2 = 6,398 square feet

PROFESSIONAL SERVICES

Planner _____ Blackmore Planning
~~Surveyor/Engineer~~ Greg Blackmore Phone 541-419-1455 Fax _____
 Address 19454 Sunshine Way City Bend State OR Zip Code 97702
 Email greg@blackmoreplanning.com

FOR OFFICE USE ONLY

Date Received: 8/22/23

Rec'd By: Amanda Matcalf

Fee Paid: \$1,600.00

Receipt #: 9001857

SUBMITTAL REQUIREMENTS

REQUIRED ITEMS TO BE SUBMITTED FOR PARTITION REVIEW.

Note: additional information may be required depending on the actual project.

- Application. The application must be signed by the owner(s) and include information requested on the application form. If the owner does not sign, then a letter of authorization must be signed by the owner for the agent.
- Title Report or subdivision guarantee, including legal description of property.



Community Development Department
PO Box 2460 16345 Sixth Street
La Pine, Oregon 97739
Phone: (541) 536-1432 Fax: (541) 536-1462
Email: info@lapineoregon.gov

- Fee, Plus, if needed- Hearing (Specially Set); Non Hearings Officer ***DEPOSIT ONLY- Fee May Be Higher Based on Actual Cost of Services
- Burden of proof statement, three (3) copies addressing approval criteria
- A vicinity map.
- Supplemental information: All agreements with local governments that affect the land and proposed use of property.
- Electronic copy of all plans and burden of proof on CD (Adobe or Jpeg preferred).
- Tentative Plan. Seven (7) copies of the tentative plan which must be folded individually, or in sets to 8 ½" X 11" in size and one (1) 8 1/2" x 11" or 11" x 17" reduced copy of the tentative plan is required. The scale cannot be greater than 1 inch = 50 feet. The tentative plan shall be accurately drawn to scale, and shall include:
 - A north arrow, scale and date of map and property identified.
 - Location of the property by section, township and range, and a legal description defining the location and boundaries of the proposed tract to be divided.
 - Names, addresses, and telephone numbers of the property owner, applicant, and engineer or surveyor used.
 - Existing and proposed streets and alleys, including locations, name, pavement widths, rights-of-way width, approximate radius of curves, and street grades.
 - Adjacent property boundaries, property owners and land uses including zoning.
 - Access: The locations and widths of existing and proposed access points along with any off-site driveways effected by the proposal.
 - Easements: The locations, widths, and purposes of all existing and proposed easements on or abutting the property.
 - Utilities: The location of all existing and proposed public and private sanitary sewers, water lines and fire hydrants on and abutting the property.



Community Development Department
PO Box 2460 16345 Sixth Street
La Pine, Oregon 97739
Phone: (541) 536-1432 Fax: (541) 536-1462
Email: info@lapineoregon.gov

- Topography: Ground elevations shown 5 foot intervals for ground slopes 5% or greater.
- Trees: All trees with a diameter of 6+ inches at three feet above grade.
- Site features: Irrigation canals, ditches & areas subject to flooding or ponding, rock outcroppings, etc. shall be shown.
- Parcel dimensions: Dimensions of existing and proposed parcels.
- Parcel numbers: Parcel numbers for partitions numbers and blocks for land divisions.
- Setbacks from all property lines and present uses of all structures.
- All portions of land to be dedicated for public use.
- Zero lot line residential developments: All building footprints and setbacks shall be clearly indicated on the plan.

By signing this application, the undersigned certifies that he / she has read and understands the submittal requirements stated above. Please note: if the applicant makes a misstatement of fact on the application regarding ownership, authority to submit the application, acreage, or any other fact material relied upon in making a decision, the City may upon notice to the applicant and subject to an applicant's right to a hearing declare the application void.

Owner: by: Jordan Grant Date: 8/18/23

Signature

Applicant: PBurger Date: 8/18/2023

Signature

Please note: additional information may be required by the City prior to the application being deemed complete.



Community Development Department
 PO Box 2460 16345 Sixth Street
 La Pine, Oregon 97739
 Phone: (541) 536-1432 Fax: (541) 536-1462
 Email: info@lapineoregon.gov

Partition Application

Fee \$ 1,600.00

File Number # _____

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

PROPERTY OWNER AND APPLICANT INFORMATION

Applicant Name 424 Lincoln LLC / Paul Burger Phone 541-647-8012 Fax _____
 Address 19717 Mt Bachelor Drive City Bend State OR Zip Code 97702
 Email paul.b@halliedevelopment.com
 Property Owner Same as Applicant Phone _____ Fax _____
 Address _____ City _____ State _____ Zip Code _____
 Email _____

PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, general area) _____
51285 Erling Drive
 Tax lot number ~~T-15 R-13~~ Section _____ Tax Lot(s) 221014CD00208
 Zoning RSF Total Land Area _____ (Square Ft.) .32 (Acres)
 Present Land Use Vacant land in the Evans Way Estates Phase 1 subdivision



Community Development Department
PO Box 2460 16345 Sixth Street
La Pine, Oregon 97739
Phone: (541) 536-1432 Fax: (541) 536-1462
Email: info@lapineoregon.gov

PROJECT DESCRIPTION

Describe Project: _____

The applicant is requesting Tentative Partition Plan Review to divide the land as 2 parcels:

- Parcel 1 = 7,587 square feet
- Parcel 2 = 6,398 square feet

PROFESSIONAL SERVICES

Planner _____ Blackmore Planning
~~Surveyor/Engineer~~ Greg Blackmore _____ Phone 541-419-1455 Fax _____
 Address 19454 Sunshine Way _____ City Bend _____ State OR _____ Zip Code 97702
 Email greg@blackmoreplanning.com _____

FOR OFFICE USE ONLY

Date Received: _____
 Rec'd By: _____
 Fee Paid: _____
 Receipt #: _____

SUBMITTAL REQUIREMENTS

REQUIRED ITEMS TO BE SUBMITTED FOR PARTITION REVIEW.

Note: additional information may be required depending on the actual project.

- Application. The application must be signed by the owner(s) and include information requested on the application form. If the owner does not sign, then a letter of authorization must be signed by the owner for the agent.
- Title Report or subdivision guarantee, including legal description of property.



Community Development Department
PO Box 2460 16345 Sixth Street
La Pine, Oregon 97739
Phone: (541) 536-1432 Fax: (541) 536-1462
Email: info@lapineoregon.gov

- Fee, Plus, if needed- Hearing (Specially Set); Non Hearings Officer ***DEPOSIT ONLY- Fee May Be Higher Based on Actual Cost of Services
- Burden of proof statement, three (3) copies addressing approval criteria
- A vicinity map.
- Supplemental information: All agreements with local governments that affect the land and proposed use of property.
- Electronic copy of all plans and burden of proof on CD (Adobe or Jpeg preferred).
- Tentative Plan. Seven (7) copies of the tentative plan which must be folded individually, or in sets to 8 ½" X 11" in size and one (1) 8 1/2" x 11" or 11" x 17" reduced copy of the tentative plan is required. The scale cannot be greater than 1 inch = 50 feet. The tentative plan shall be accurately drawn to scale, and shall include:
 - A north arrow, scale and date of map and property identified.
 - Location of the property by section, township and range, and a legal description defining the location and boundaries of the proposed tract to be divided.
 - Names, addresses, and telephone numbers of the property owner, applicant, and engineer or surveyor used.
 - Existing and proposed streets and alleys, including locations, name, pavement widths, rights-of-way width, approximate radius of curves, and street grades.
 - Adjacent property boundaries, property owners and land uses including zoning.
 - Access: The locations and widths of existing and proposed access points along with any off-site driveways effected by the proposal.
 - Easements: The locations, widths, and purposes of all existing and proposed easements on or abutting the property.
 - Utilities: The location of all existing and proposed public and private sanitary sewers, water lines and fire hydrants on and abutting the property.



Community Development Department
PO Box 2460 16345 Sixth Street
La Pine, Oregon 97739
Phone: (541) 536-1432 Fax: (541) 536-1462
Email: info@lapineoregon.gov

- Topography: Ground elevations shown 5 foot intervals for ground slopes 5% or greater.
- Trees: All trees with a diameter of 6+ inches at three feet above grade.
- Site features: Irrigation canals, ditches & areas subject to flooding or ponding, rock outcroppings, etc. shall be shown.
- Parcel dimensions: Dimensions of existing and proposed parcels.
- Parcel numbers: Parcel numbers for partitions numbers and blocks for land divisions.
- Setbacks from all property lines and present uses of all structures.
- All portions of land to be dedicated for public use.
- Zero lot line residential developments: All building footprints and setbacks shall be clearly indicated on the plan.

By signing this application, the undersigned certifies that he / she has read and understands the submittal requirements stated above. Please note: if the applicant makes a misstatement of fact on the application regarding ownership, authority to submit the application, acreage, or any other fact material relied upon in making a decision, the City may upon notice to the applicant and subject to an applicant's right to a hearing declare the application void.

Owner: by: Jordan Grant Date: 8/18/23
Signature

Applicant: P Burger Date: 8/18/2023
Signature

Please note: additional information may be required by the City prior to the application being deemed complete.

Return To:



Deschutes County Official Records **2020-45228**
D-D
Stn=1 BN **09/04/2020 09:28 AM**
\$10.00 \$11.00 \$10.00 \$61.00 \$6.00 **\$98.00**

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Nancy Blankenship - County Clerk

After Recording Return to:
424 Lincoln LLC
19717 Mt Bachelor Drive
Bend, OR 97702

Until a change is requested all tax statements
Shall be sent to the following address:
(same as above)

File No. DE11863

SPECIAL WARRANTY DEED STATUTORY FORM

Huntington Park LLC,

Grantor, conveys and specially warrants to

424 Lincoln LLC, An Oregon Limited Liability,

Grantee, the following described real property free of encumbrances created or suffered by the Grantor and not otherwise, except as specifically set forth herein, situated in the County of Deschutes, State of Oregon, to-wit:

**ADJUSTED PART OF PARCEL 2,
PARTITION PLAT NO. 2018-45**

Parcel 2, Partition Plat 2018-45, as recorded in Partition Cabinet 4, Page 546, Records of Deschutes County, Oregon, located in the Southeast One-Quarter of The Southwest One-Quarter of Section 14, Township 22 South, Range 10 East of the Willamette Meridian, Deschutes County, Oregon.

EXCEPTING THEREFROM:

Beginning at the Southeast corner of said Parcel 2; thence N0°34'38"E along the East line of said Parcel 2 a distance of 229.76 feet to a point; thence leaving said East line, N89°25'22"W 477.61 feet to a point; thence N89°18'40"W 64.00 feet to a point; thence N0°41'20"E 16.14 feet to a point; thence N89°27'18"W 138.00 feet to a point on the West line of said Parcel 2; thence S0°41'20"W along said West line 221.18 feet to the Southwest corner of said Parcel 2; thence S82°35'51"E 216.24 feet along the South line of said Parcel 2 to an angle point thereon; thence S89°32'17"E 465.30 feet along the South line of said Parcel 2 to the Southeast corner thereof, and THE POINT OF BEGINNING.

The property is free of all encumbrances created or suffered by the Grantor and not otherwise except: Easements, Covenants, Conditions and Restrictions of record.

The true consideration for this conveyance is **Pursuant to an IRC 1031 Exchange**

**Return To:
Deschutes County
Title Company**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated: 9-2-2020

BY HUNTINGTON PARK LLC

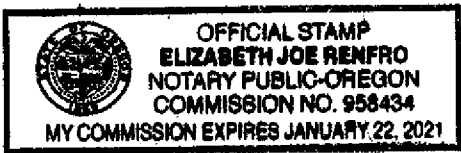
BY [Signature]
JOSHUA SHOCKEY, MEMBER

BY [Signature]
PATRICK TROWBRIDGE, MEMBER

STATE OF OREGON, County of Deschutes) ss.

On 9/2/2020, personally appeared the above named Joshua Shockey, member of Huntington Park LLC and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: [Signature]
Notary Public for Oregon
My commission expires: 1-22-21

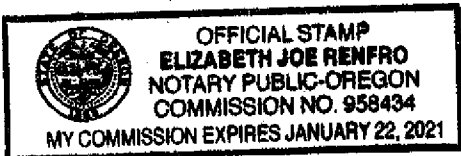


Official Seal

STATE OF OREGON, County of Deschutes) ss.

On 9/2/2020, personally appeared the above named Patrick Trowbridge, as member of Huntington Park LLC and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: [Signature]
Notary Public for Oregon
My commission expires: 1-22-21



Official Seal

Burden of Proof Statement
City of La Pine – Partition
Lot 9 – Evans Way Estates Phase 1

- Applicant/
Owner:** 424 Lincoln LLC
Paul Burger
PO Box 449
Lincoln City, OR 97367
- Surveyor /
Engineer:** Becon Civil Engineering and Land Surveying
Erik Huffman
549 SW Mill View Way
Bend, OR 97702
- Planner:** Blackmore Planning and Development Services, LLC
Greg Blackmore
19454 Sunshine Way
Bend, OR 97702
- Location:** The property is located in the southern portion of the City of La Pine. The property is Lot 9 of the Evans Way Estates Phase 1 subdivision. The site address is 51285 Erling Drive, and is further identified as Deschutes County Tax Assessors Map and lot 221014CD00208.
- Request:** The applicant is requesting Tentative Partition Plan Review to divide the land as 2 parcels:
- Parcel 1 = 7,587 square feet
 - Parcel 2 = 6,398 square feet

I. Applicable Criteria and Procedures:

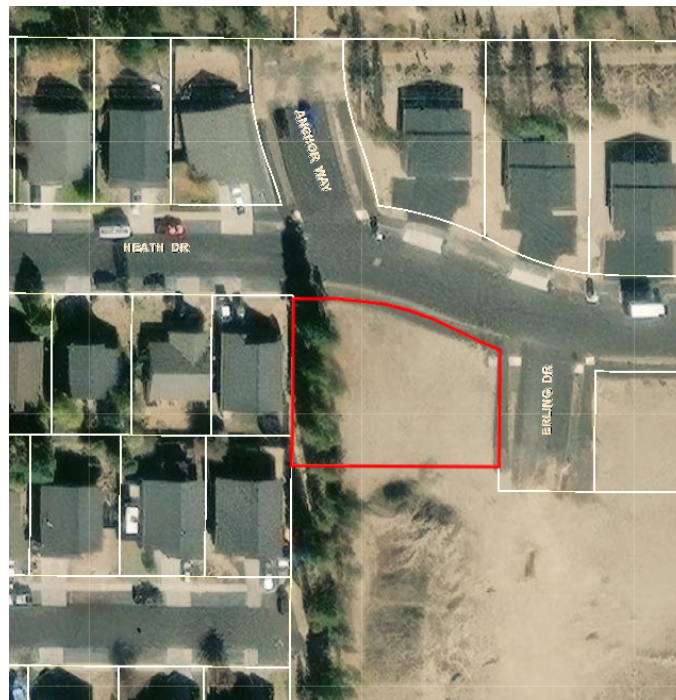
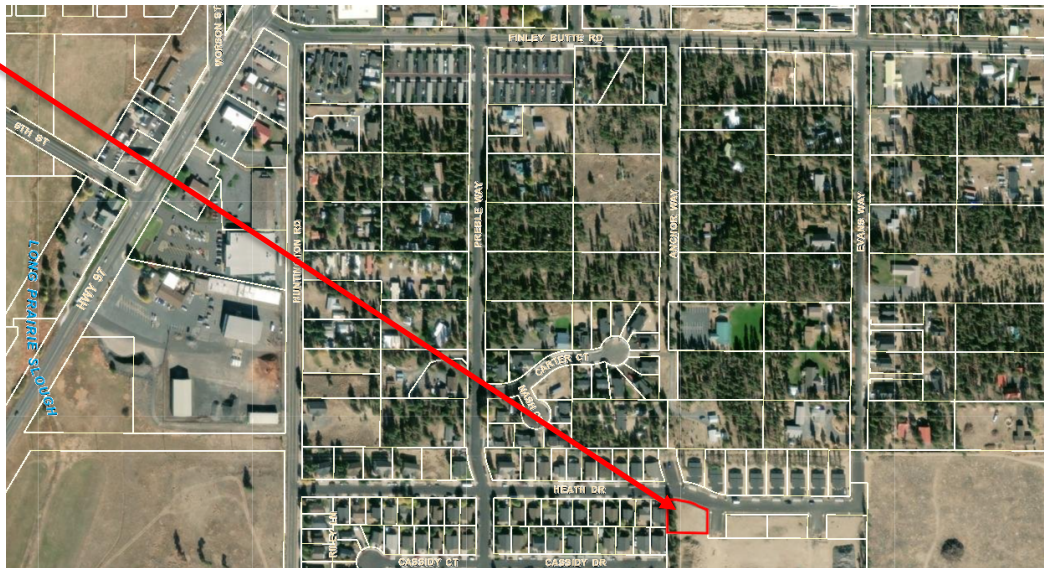
1. City of La Pine Development Code

- ARTICLE 3 – ZONING DISTRICTS
 - Chapter 15.18 – Residential Zones
- ARTICLE 5 – DEVELOPMENT STANDARDS
 - Chapter 15.80 – Development Standards, Generally
 - Chapter 15.88 – Access and Circulation
 - Chapter 15.90 – Public Facilities
 - Chapter 15.92 – Additional Standards or Land Divisions
 - Chapter 15.94 – Improvement Procedures and Guarantees
- ARTICLE 7 – PROCEDURES
- ARTICLE 9 – LAND DIVISIONS

- Chapter 15.402 – General Provisions
- Chapter 15.410 – Land Partitions
- Chapter 15.418 – Processing and Recording Procedures

II. General Facts:

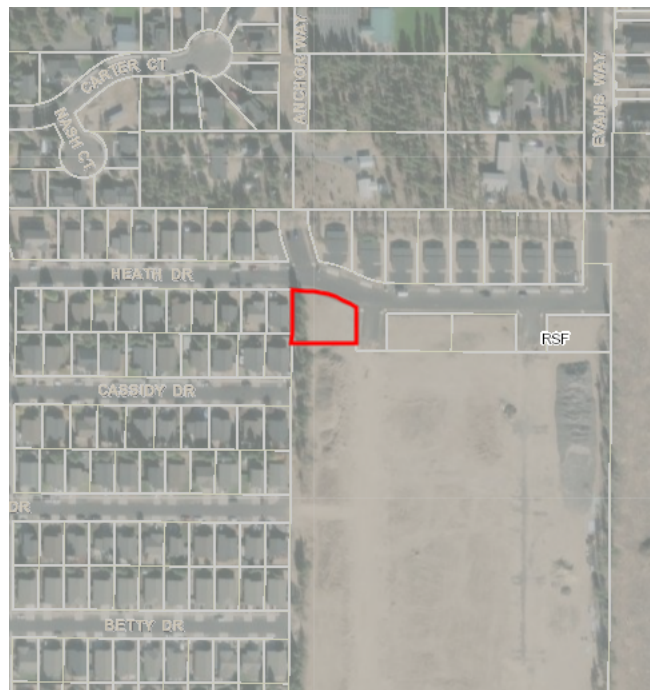
1. **LOCATION:** The property is located in the southern portion of the City of La Pine. The property is Lot 9 of the Evans Way Estates Phase 1 subdivision. The site address is 51285 Erling Drive, and is further identified as Deschutes County Tax Assessors Map and lot 221014CD00208.



2. ZONING AND COMPREHENSIVE PLAN DESIGNATIONS: The subject property is designated Residential Single Family (RSF) on both the Comprehensive Plan and Zoning maps.

3. SITE DESCRIPTION AND SURROUNDING DEVELOPMENT: The property is .32 acres in size, generally rectangular in shape, and level. It is part of the recently developed Evans Way Estates – Phase 1 subdivision. The Heath Drive right-of-way (to the north) has been developed with streets, sidewalks, a water main, a sewer main and franchise utilities. The Erling Drive right-of-way (to the east) has been developed with streets, sidewalks, a water main, a sewer main and franchise utilities.

Surrounding properties are similarly zoned (Residential Single Family / RSF). Properties to the north and west are developed with single family homes, whereas the areas to the south and east are graded, but undeveloped and part of Evans Way Estates subdivision (Phase 2-5).



4. PROPOSAL: The applicant is requesting Tentative Partition Plan Review to divide the land as 2 parcels:

- Parcel 1 = 7,587 square feet
- Parcel 2 = 6,398 square feet

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
- Tentative Partition Plan
- Title Report
- City of La Pine File No. 01SUB-19 – Evans Way Estates Decision

III. Compliance with Article 3 – Zoning Districts:

CHAPTER 15.18. - RESIDENTIAL ZONES

Sec. 15.18.100. Purpose.

Chapter 15.18 regulates allowed land uses ("uses") and sets forth lot and development standards, including, without limitation, minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development in the residential zones. The regulations of this chapter are intended to implement the City of La Pine Comprehensive Plan.

Sec. 15.18.200. Characteristics of the residential zones.

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

A. Residential Single-Family Zone (RSF). The RSF zone permits residential uses at densities between one and seven dwelling units per gross acre. Permitted residential uses consist primarily of detached single-family housing, duplexes, and low density multi-family developments. The RSF zone also allows community service uses such as churches, schools, and parks that may be subject to special use standards.

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

Applicant Response: The property is zoned Residential Single Family. The property will serve as a land to deliver residential units. Development upon the property will be reviewed for conformance with Development Code requirements to ensure compliance.

Sec. 15.18.300. Use regulations.

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

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

Applicant Response: The applicant recognizes that the property is zoned for residential use and the proposal does not include any new uses at this time. The application is solely aimed at the division of the property. Future uses will comply with the standards set forth in the code.

Sec. 15.18.400. Development standards.

A. Purpose. The development standards for residential zones work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally ensure that new development will be compatible with the city's character. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

B. Development standards. The development standards for residential zones are presented in Table 15.18-2. Development standards may be modified as provided by chapter 15.320, variances. Additional standards may apply to specific zones or uses, see section 15.18.500. Footnotes in the table correspond to the sections below.

1. Minimum density standard in the RSF zone only applies to subdivisions. Development on existing lots and partitions are exempt from this standard.

2. Accessory dwellings do not count toward the maximum density standard in the RSF zone.

<i>Table 15.18-2. Development Standards in the Residential Zones</i>		
<i>Standard</i>	<i>RSF</i>	<i>RMF</i>
Minimum density	1 unit per acre (1)	5 units per acre
Maximum density	7 units per acre (2)	40 units per acre
Minimum lot size	None	None for single-family dwelling, cottage cluster development, duplex, or townhomes.

		Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the same property, provided that urban services are available to serve the development.
Minimum street frontage	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes
Minimum setbacks	—	—
- Front or street-side yard	20 feet	20 feet
- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
Maximum building height	45 feet	45 feet
Maximum lot coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum landscaped area	See chapter 15.82	

Applicant Response: Each of the applicable standards are addressed below:

Density: The RSF zone has an allowed density of 1 – 7 units per acres. The original Evans Way Estates subdivision was approved with a density of approximately 3 units per acre; 61 lots over the 20.56 acre area. The developed 8 lots of Phase 1 of the subdivision have been established with detached single family homes and a partition of Lot 12 has been submitted. The creation of one additional unit of land that can accommodate allowed uses will not cause the density of the subdivision to exceed 7 units per acre.

Lot Size: The RSF Zone does not have a minimum or maximum lot size.

Street Frontage: The RSF Zone has a minimum street frontage of 50 feet. As detailed on the Tentative Plan, Parcel 1 is proposed to have 69.38 feet of frontage on Health Drive and Parcel 2 is proposed to have 74.69 feet of frontage on Health Drive and 77.69 feet of frontage on Erling Drive. As designed, both parcels will have over 50 feet of street frontage.

Setbacks: The lot is vacant and no structures are proposed at this time; therefore setback standards do not apply at this time. Setbacks will be reviewed with subsequent development applications.

Building Height: No structures are proposed at this time; therefore building height standards do not apply at this time. Building height will be reviewed with subsequent development applications.

Lot Coverage: The lot is vacant and no structures are proposed at this time; therefore lot coverage standards do not apply at this time. Lot coverage standards will be reviewed with subsequent development applications.

Landscape: No development is proposed at this time; therefore landscape standards do not apply at this time. Landscape standards will be reviewed with subsequent development applications.

Sec. 15.18.500. Additional standards.

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

1. No dwelling structures shall have visible, unclosable openings, which allow penetration of air, outside elements, or animals into the structure's interior, except for screened-in porches.

2. All dwelling structures shall be placed on a basement foundation, concrete pad or piers, or other permanent foundation and secured, anchored, or tied down in accordance with the current International Building Code and all other applicable FHA requirements.

3. See article 5 for additional development standards.

Applicant Response: No structures are proposed at this time; therefore the standards of this section do not apply at this time. The standards of this section will be reviewed with subsequent development applications.

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. 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 a land division; 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 proposed land division does not request an exception to lot size or setbacks, and no new structures are reviewed with the land division application; 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...

Applicant Response: This section applies to developments subject to Site Plan Review. The current proposal is for a land division, but not a Site Plan review; therefore this section does not apply.

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 includes a land division, it does not establish a new use; therefore this section does not apply to the Partition.

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: The proposal does not include new development or land uses necessitating new or modified street or highway connections. Access points are not proposed at this time.


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: As detailed above, the partition is within a developed subdivision with all needed streets, curbs, sidewalks, sanitary sewers, storm sewers,

water mains, electric, telephone and cable television lines necessary to serve the use. New water and sewer laterals are proposed, which are sufficient to accommodate the new parcels.

- 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. [SEP]**

Applicant Response: The surrounding area is served by existing water and sewer that is located with rights-of-way. The existing mains have adequate capacity to accommodate the land division. It is not anticipated that upgrades to the mains will be necessary or that over-sizing will be applicable to this small land division.

- 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. [SEP]**

Applicant Response: The property is located within a residential area that was developed and platted in 2019 - 2022. All improvements were made in accordance with City of La Pine standards and specifications, and are of adequate width to the serve the area. Therefore, the applicant anticipates that no additional improvements and/or dedications 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. [SEP]**

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. [SEP]**

Applicant Response: Water and sewer mains are located within the abutting rights-of-way. The applicant proposes to extended water and sewer lateral connections to

accommodate each individual parcel in conformance with City Standards. Pursuant to this section, it is expected that permits will not be issued until the Public Works Director approves the improvement plans.

- 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. ¹¹⁷SEP

Applicant Response: The property is in a new subdivision and through pre-submittal correspondence, the City has not raised any issues related to available capacity. Further consideration will occur with this review and it is anticipated that the City will determine that the existing facilities have adequate capacity to accommodate the proposed land division, and that development permits will not be restricted or rationed due to water or sewer capacity issues.

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: The land division will not result in any new impervious areas that necessitate stormwater treatment. However, the applicant recognizes that future development will be required to meet the standards related to stormwater retention. The reviews for stormwater compliance will take place with future development applications.

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.** [L] [SEP]

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

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

Applicant Response: The proposal includes a partition, but not a subdivision; it does not include new streets; therefore these standards do not apply. The applicant understands that the City reserves the right to approve the location of any surface mounted facilities, should they be needed.

- 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 partition application does not include street or highway improvements. Therefore, this section does not apply.

15.90.070 Design of Streets and Other Public Facilities.

- A. **Traffic circulation system.** The overall street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. An analysis of the proposed traffic circulation system within the land division, and as such system and traffic generated there from affects the overall City of La Pine transportation, will be required to be submitted with the initial land division review application. The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby. ^[1]_[SEP]

Applicant Response: The subject property is located within a developed area that was designed and recently developed in conformance with City standards, ensuring that adequate and safe circulation would be maintained with the area. Therefore, no additional improvements are anticipated.

- 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 [L] [SEP]**
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 [L] [SEP]**
3. **Conform to the adopted La Pine Transportation System Plan as may be amended. [L] [SEP]**

Applicant Response: As noted above, the property is part of a recently approved and partially developed subdivision that was designed with a general grid pattern. No new streets are needed to accommodate the Partition or future development. 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 new streets are needed to accommodate the Partition. Furthermore, all streets extend to the property boundary, allowing direct access to surrounding properties. Therefore, no additional access ways are required.

- D. Future street extensions...**

Applicant Response: No new streets are needed to accommodate the Partition.

- 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. [L] [SEP]**

Applicant Response: As noted above, the partition will be served by the existing and abutting roadways (Heath Drive and Erling Drive) that were developed as part of the recently approved subdivision. All abutting streets have been developed in conformance with the TSP.

- 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 noted above, the partition will be served by the existing and abutting roadways (Heath Drive and Erling Drive) that were developed with sidewalks / paths as part of the recently approved subdivision.

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. [1] [SEP]

Applicant Response: No new streets or bike lanes are needed to accommodate the Partition. Furthermore, the abutting streets are local streets, which do not require bike lanes.

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. [1] [SEP]

Applicant Response: The proposal does not abut, or contain an existing or proposed arterial streets; therefore this section does not apply.

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

Applicant Response: The property is not adjacent to a railroad right-of-way; 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. [L]
[SEP]

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 a land division within an area with existing street rights-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.** [L]
[SEP]

Applicant Response: The partition does not propose the construction or realignment of any streets; therefore, the applicant is not anticipating the installation of any traffic control signage.

- 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.** [L]
[SEP]

Applicant Response: The development is proposed in an area with an established street grid. Access drives will be provided to serve the new parcels in a manner that allows for access to off-street parking. Therefore, alleys are not required as part of this partition.

- 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. [L]
[SEP]

Applicant Response: No new streets or curbs are needed to accommodate the Partition, as all necessary facilities were constructed with the original subdivision.

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

Applicant Response: Where needed, street lighting was identified and installed at the time of the subdivision construction. Based on determinations made with the development of the subdivision, it can be found that the lighting as it exists is adequate to serve the area, and that no additional street light installations are needed.

- 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. [L]
[SEP]**

Applicant Response: The applicant has coordinated with all utility providers and has confirmation that they can serve the new parcel. 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: No new impervious are planned with this Partition Application. Stormwater design and construction will be associated with the future development of the property and will be reviewed as part of the appropriate permit process.

- 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. [SEP]

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: Based on the limited number of trips that are generated by the partition, no TIA should be required to accompany the application.

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. [SEP]

Applicant Response: Based on the limited number of trips that are generated by the partition, no TIA should be required to accompany the application.

- 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... [SEP]

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 [SEP] for adequate building lot sizes, street widths, access needs and topographical limitations. [SEP]
- 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.** [SEP]
 - 2. The recommended minimum length of a block along an arterial street is 1,260 feet.** [SEP]
 - 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.** [SEP]

Applicant Response: The original Evans Way Estates – Subdivision approval (File No. 01SUB-19) approved the block length and perimeter in the area. The currently proposed minor partition will utilize the approved street grid and it does not establish the need or opportunity for any changes to the approved block length and/or perimeter of the Evans Way Estates – Subdivision and the surrounding area.

- 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. [SEP]

Applicant Response: A comprehensive review of the 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. [SEP]**

Applicant Response: As shown on the Plan Set, Parcel 1 is proposed to have 69.38 feet of frontage on Health Drive and Parcel 2 is proposed to have 74.69 feet of frontage on Health Drive and 77.69 feet of frontage on Erling Drive. As designed, both parcels will have over 50 feet of street frontage.

- 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. [SEP]**

Applicant Response: The new property line is a side property line for Parcel 1. The property is irregularly shaped and this parcel is situated along a curved portion of Heath Drive. The side property line continues the grid pattern that is established throughout the area, however it is not at a right angle to the curved segment of Heath Drive. Placing the side property line at a right angle would result in an inefficient layout of the land and would be an inconsistent property line grid. The proposed design, which is at a right angle to the majority of Heath Drive, is reasonable and the proposed design conforms to this standard to the extent practicable.

- 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. [SEP]**

Applicant Response: As shown on the Tentative Partition Plan, the new parcels will not be divided by ROW, 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.

- F. Grading, cutting and filling of building lots or sites...**

Applicant Response: The partition proposal does not include any grading, cutting or filling of the parcels; therefore this section does not apply.

G. Through or double-frontage lots and parcels... [L] [SEP]

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. [L] [SEP]

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. [L] [SEP]

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. [L] [SEP]

Applicant Response: If easements are 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. [L] [SEP]

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. ^(L)_(SEP)

Applicant Response: The surrounding area is developed with a local street network that includes sidewalks and streets to carry pedestrian and bicyclists. Above and beyond the facilities that are existing, additional facilities are not needed or appropriate for this request.

- 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.** ^(L)_(SEP)

Applicant Response: Water and sewer mains are located within the abutting rights-of-way. As documented on the Plan Set, individual service lines are planned to be extended to Parcel 1 (Parcel 2 is already served). It is not anticipated that water or sewer lines will need to cross any 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 ^(L)_(SEP) notify the property owner as soon as the City Council authorizes the transaction to proceed.** ^(L)_(SEP)
- 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.** ^(L)_(SEP)

- 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. [L] [SEP]
- 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. [L] [SEP]
- 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. [L] [SEP]
- 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. [L] [SEP]
- 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. [L] [SEP]

- 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. [L] [SEP]
- 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. [L] [SEP]

Applicant Response: The proposal includes the extension of sewer and water laterals to serve the parcels. The applicant plans to follow the provisions of this section to the extent necessary and applicable for all improvements that are made within a right-of-way and/or to a public facility.

15.94.020 Completion or Assurance of Improvements [L] [SEP]

- 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.** [L] [SEP]
 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.** [L] [SEP]
 3. **Cash deposit.** [L] [SEP]
 4. **Such other security as may be approved and deemed necessary by the City Council to adequately assure completion of the required improvements.** [L] [SEP]
- 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.** [L] [SEP]
- 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.** [L] [SEP]

Applicant Response: The partition does not include street improvements, only the extension of water and sewer laterals to serve the parcels. These improvements will be reviewed and approved prior to installation. The applicant plans to comply with the provisions of this section, to the extent applicable.

15.94.030 Building and Occupancy Permits...

Applicant Response: The proposal includes a land division, but no new structural development. The proposal does not necessitate a Building Permit; therefore, the provisions of this section do not apply.

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: All public improvements will be designed and installed to City standards and specification. The applicant understands the requirements and agrees to adhere to the contracted service requirement if deemed necessary and reasonable.

IV. Compliance with the Procedures of the Development Code - Article 7:

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 the 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 Minor Partition. 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. [L]
[SEP]

Applicant Response: The applicant has submitted a Partition application only; therefore, there is no need to consolidate applications.

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. [L]
[SEP]
- 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 application is not complex and the applicant has experience with land divisions such as this. Furthermore, the applicant coordinated with City Staff prior to submittal.

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 a hold meeting with them prior to submitting an application...

Applicant Response: The proposal is for a Minor Partition. 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.

V. Compliance with Approval Criteria – Title 9

Chapter 15.402 - General Provisions

15.402.010 Purpose

It is the purpose of this Article 9, in accordance with the provisions of ORS Chapters 92 and 227, to provide for minimum standards governing the approval of land divisions, including subdivisions and land partitions, as necessary to carry out the needs and policies for adequate traffic movement, water supply, sewage disposal, drainage and other community facilities, to improve land records and boundary monumentation and to ensure equitable processing of subdivision, partitioning and other land division activities within the city and the surrounding urban area.

Applicant Response: This section establishes the purpose of these Approval Criteria. 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 is implemented.

15.402.020 Applicability

No person may subdivide, partition or otherwise divide land, or create a planned unit or cluster development, or create a street for the purpose of developing land except in accordance with the provisions of this Article 9, this chapter and ORS Chapters 92.012 and 277.100.

Applicant Response: The proposal includes a partition; therefore compliance with Article 9 is necessary.

Chapter 15.406 - Subdivisions and Planned Unit Developments (PUD) ...

Applicant Response: The proposal includes the creation of two parcels of land, which is a partition. The proposal does not include a subdivision or a PUD; therefore this Chapter does not apply.

Chapter 15.410 - Land Partitions

15.410.010 Applicability and Exemptions

- A. Applicability of regulations.** All land partitions (as defined in Article 2) within the City, except as set forth in division (B) of this section, must be approved by the City as provided for in this section. Minor partitions are reviewed in accordance with the Type II procedures in Article 7 and Major partitions are reviewed in accordance with the Type III procedures in Article 7. [L] [SEP]

Applicant Response: Article 2 provides the following definitions:

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

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

The partition does not result in the creation of a new street or road; therefore the proposal is for a Minor Partition and is expected to be processed in accordance with the Type II procedures of Article 7.

- B. Exemptions.** In addition to those exclusions set forth in the definition of “partition” in Article 2, the following land divisions shall be exempt from the land partitioning requirements set forth by this section and this chapter.
- 1.** The partitioning of a tract of land in which not more than one parcel is created and the parcel is being transferred to a public or semi-public agency for the purpose of a public road, street, canal or utility right-of-way, or for public park, school, recreation facility, trail, bikeway, natural area or other similar public purpose. [L] [SEP]
 - 2.** The transfer of one area of land between two adjoining ownerships where an additional parcel is not created and where no new or additional dwellings or other structures are involved, and where the existing ownership reduced in size by the transfer is not reduced below the minimum lot size of the applicable zone. A boundary line adjustment is still required however, and the requirements are set forth in Chapter 15.414.

Applicant Response: The partition will not result in the transfer of land to a public or semi-public agency and does not result in the transfer of land where a parcel is not

created; therefore the exceptions of this section do not apply to the proposal.

15.410.020 Applications - Partitions

- A. Filing procedures and requirements. Any person proposing a land partition, or the authorized agent or representative thereof, shall prepare and submit copies of the tentative plan for the proposed partition, together with the materials required for a Type II review for a minor partition or Type III review for a major partition as specified in Article 7, to the Planning Official. [L] [SEP]**

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

- C. Requirements for the plan. The plan shall include the following.**
 - 1. A vicinity map locating the proposed partitioning in relation to adjacent subdivisions, roadways, [L] [SEP] properties and land use patterns. [L] [SEP]**

 - 2. A plan of the proposed partitioning showing tract boundaries and dimensions, the area of each tract or [L] [SEP] parcel and the names, right-of-way widths and improvement standards of existing roads.**

 - 3. Names and addresses of the land owner, the partitioner, the mortgagee if applicable, and the land surveyor employed (or to be employed) to make necessary surveys and prepare the final partitioning map. [L] [SEP]**

 - 4. A statement regarding provisions for water supply, sewage disposal, solid waste disposal, fire protection, access, utilities and the like. [L] [SEP]**

 - 5. North point, scale and date of map and the property identification by tax lot, map number, section, township and range, subdivision lot and block or other legal description. [L] [SEP]**

 - 6. Statement regarding past, present and proposed use of the parcel(s) to be created, or the use for which the parcel(s) is to be created. [L] [SEP]**

Applicant Response: As documented on the attached Exhibits, the submittal materials include all of the items noted in these section that are necessary for review.

15.410.030 Decisions - Partitions

- A. **Minor partition.** Review of a minor partition shall follow the Type II review procedures in Article 7. [L] [SEP]
- B. **Major partition.** Review of a major partition shall follow the Type III review procedures in Article 7. [L] [SEP]

Applicant Response: As noted above, Article 2 provides the following definitions:

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

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

The proposal does not result in the creation of a new street or road; therefore the proposal is for a Minor Partition and is expected to be process in accordance with the Type II procedures of Article 7.

- C. **Series partition.** Any division of land resulting in a series partition shall be subject to review and approval by the Planning Commission. Applications for any series partition shall be made and processed in the same manner as a major partitioning. Approval requirements shall be the same as for any partition. However, the Planning Commission shall deny any such series partition when it is determined that the partitions are done for the purpose of circumventing applicable subdivision regulations. [L] [SEP]

Applicant Response: Article 2 defines a series partition as follows:

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

The proposal does not include a series partition; therefore this section does not apply.

- D. **Final partition map procedures.** In addition to the procedures required for City approval of a final map for a partitioning, other required processing procedures are set forth in Chapters 15.414 and 15.418. [L] [SEP]

Applicant Response: The applicant anticipates that all applicable processing

procedures will be followed by the City in the review of this application, including any applicable provisions of 15.414 and 15.418.

E. Requirements for approval. No partitioning shall be approved unless the following requirements are met.

- 1. The proposal is in compliance with the applicable zoning regulations. All lots conform to the applicable [L] [SEP] lot standards of the zoning district including density, lot area, dimensions, setbacks, and coverage. [L] [SEP]**

Applicant Response: A comprehensive review of the applicable zone standards were included above; as detailed therein, the proposal complies with all applicable lot standards, density requirements, lot area, dimensions, setbacks and lot coverage requirements. Because the proposal complies with the applicable standards, it also complies with this approval criterion.

- 2. Each parcel is suited for the use intended or to be offered, including but not limited to sewage disposal, water supply, guaranteed access and utilities. [L] [SEP]**

Applicant Response: The proposed parcel sizes conform to the requirements of the applicable zone. Also, with the new services to Parcel 1, both the parcels will be provided with water and sewer laterals, along with all utilities needed to accommodate development. Given the proposed sizes and allowed uses within the zones, the parcels are suited for allowed uses, thus meeting the approval criterion.

- 3. All public services deemed necessary are reasonably available or are proposed to be provided by the partitioner. [L] [SEP]**

Applicant Response: As noted above the water and sewer mains are located within the abutting rights-of-way. The proposal includes the extension of service laterals to the parcels, which will result in service to each of the parcel (either by existing or new laterals). Based on the ability to provide water and sewer service to each parcel, it can be found that the request conforms to this approval criterion.

- 4. Proposal will not have identifiable adverse impacts on adjoining or area land uses, public services and facilities, resource carrying capacities or on any significant resources.**

Applicant Response: The abutting rights-of-way include water and sewer mains with adequate capacity to accommodate the planned parcels. Also, the proposal does not impact any significant resources. The Development Code, including the development standards of the applicable zone, was established to prevent adverse impacts. The proposal conforms to all development standards in the Development Code and it provides utilities and services to the parcels; therefore no adverse impacts are

identified.

- F. Survey and improvement requirements. In the approval of any land partitioning, the need for a survey, and the need for street and other public facility improvements shall be considered and such may be required as a condition of approval. Any survey and/or improvement requirements that may be required for a subdivision or other land development may be required for a partitioning, including bonding or other ^[L]_[SEP] assurance of compliance.**

Applicant Response: The application is supported by a survey, and while this section allows the City to require any improvements that could be imposed upon a subdivision, given the minor size and scale of the proposed partition, the applicant does not anticipate that any additional public improvements will be required prior to final platting.

15.410.050 Final Map Requirements

Within 2-years of the approval of a partition, the partitioner shall have prepared and submitted to the City Planning Official a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.

- A. The final map shall provide a certificate for approval of the subject partition by the Planning Official . The final map shall also contain a certificate for execution by the County Tax Collector and a certificate for execution by the County Assessor. The final map shall first be submitted to and approved by the County Surveyor prior to obtaining the required signatures. ^[L]_[SEP]**
- B. Upon approval, the petitioner shall file the original map with the County Clerk, the true and exact copy with the County Surveyor and copies of the recorded plat and a computer file of the plat with the City Recorder, City Planning Official , or County Surveyor. The County Surveyor may request an additional number of copies required at the time of final plat review if deemed appropriate. ^[L]_[SEP]**
- C. A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision. ^[L]_[SEP]**

Applicant Response: Subsequent to Tentative Plan Approval, the applicant plans to follow these final map requirements.

Chapter 15.418 - Processing and Recording Procedures

15.418.010 Processing and Recording Subdivision and Partition Maps

- A. Submit one reproducible paper, vellum or mylar map copy to the**

County Surveyor.

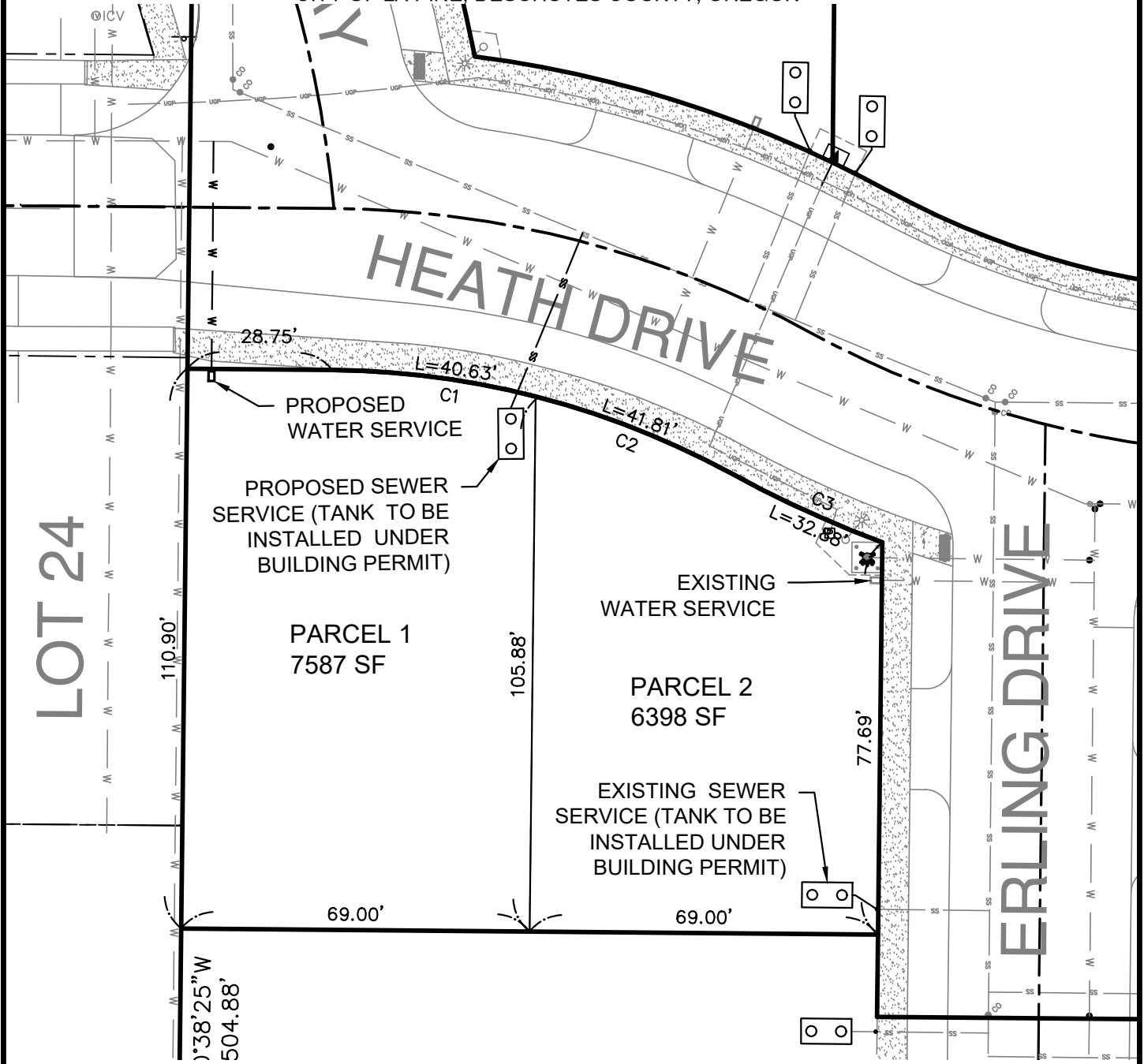
- B. Submit closure sheets for the surveyor's certificate and a closure sheet for each lot or parcel created, and a closure sheet for dedicated areas such as roadways or public facility lots. [L] [SEP]**
- C. Submit the required County Surveyor review fee as appropriate for the subdivision or partition. [L] [SEP]**
- D. Submit a title report for the subdivision. [L] [SEP]**
- E. Submit a post-monumentation certificate stating the intent and completion date and a bonding estimate for all subdivision plats proposed for post-monumentation. The bonding estimate is to be 120% of the estimated actual costs, office and field. [L] [SEP]**
- F. After preliminary initial review of the plat, resubmit the final plat prepared on double matte four mil minimum thickness mylar, with corrections made, to the County Surveyor for final approval and signature. [L] [SEP]**
- G. Remaining approval signatures shall then be executed and the final maps and an exact copy thereof submitted to the County Surveyor for recording into the survey records prior to submittal to the County Clerk for recording. The exact copy shall comply with the requirements of ORS Ch. 92 and other applicable statutes and be submitted on four mil thickness mylar. [L] [SEP]**
- H. The County Surveyor recording fee shall be submitted with the final plat along with any required post- monumentation bond or letter executed by the City Attorney that the bonding requirements are met.**
- I. The plat shall then be submitted to the County Clerk along with the required recording fee. After recording information is placed on the exact copy by the County Clerk, the exact copy and the required number of prints showing the recording information shall be submitted to the County Surveyor to complete the process. The number of prints required shall be twelve for a subdivision plat and six prints for a partition unless a greater number is requested by the County Surveyor at initial review. [L] [SEP]**
- J. Copies of the exact copy of the final plat showing the recording information shall also be submitted to the City Planning Official, together with an electronic copy in a format approved by the City. The scale and format of the plans and the number of copies required shall be as specified on the application form. [L] [SEP]**

Applicant Response: Subsequent to Tentative Plan Approval, the applicant plans to follow these final map requirements.

VI. Summary and Conclusion:

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

PARTITION EXHIBIT
LOT 9 - EVANS WAY ESTATES PHASE 1
 LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 14,
 TOWNSHIP 22 SOUTH, RANGE 10 EAST, W.M.
 CITY OF LA PINE, DESCHUTES COUNTY, OREGON



LOT 24

ERLING DRIVE



549 SW MILL VIEW WAY
 SUITE 100
 BEND, OREGON 97702
 (541) 633-3140
 www.beconeng.com

FOR:
 HALLIE DEVELOPMENT



REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Erik J. Huffman
 OREGON
 DEC. 16, 2009
 ERIK J. HUFFMAN
 70814

RENEWALS: JUN. 30, 2025

DATE: 07/07/2023

SCALE: 1" = 30'

DRAWN BY: KLR

PROJ: 21047



CITY OF LA Pine

16345 Sixth Street — PO Box 2460

La Pine, Oregon 97739

TEL (541) 536-1432

www.lapineoregon.gov

**CITY OF LA PINE PLANNING DIVISION
Staff Report to Planning Commission**

FILE NO. 01SUB-19

**OWNER/
APPLICANT:**

Huntington Park, LLC
c/o Josh Shockey
63591 OB Riley Road
Bend, OR 97703

**ENGINEER/
SURVEYOR:**

Sun Country Engineering, Inc.
920 SE Armour Drive
Bend, OR 97702

**LAND USE
CONSULTANT:**

Chris Schmoyer, Principal Planner
Schmoyer Land Use Consulting, LLC
60939 Zircon Drive
Bend, OR 97702

LOCATION:

The subject property does not currently have an assigned property address but is identified as Tax Lots 00200 and 00300 on Deschutes County Tax Assessor's Map 221014CD.

REQUEST:

The Applicant is requesting approval of a Preliminary Plat for a Subdivision in order to divide two parcels with a combined total of 20.56 acres into 61 residential lots, consisting of 5 phases, in the La Pine Residential Single Family Zone (RSF).

Phase 1 –12 Lots (1-12)
Phase 2 –12 Lots (13-24)
Phase 3 –12 Lots (25-36)
Phase 4 –15 Lots (37-51)
Phase 5 –10 lots (52-61)

Additionally, the Applicant requests to exclude the requirement for curbs from the development, which is at the discretion of the City Engineer to waive per 15.90.070 (T).

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

City of La Pine Development Code

Article 3. Zoning Districts

Chapter 15.18 Residential Zones

Article 5. Development Standards

- Chapter 15.80 Development Standards, Generally
- Chapter 15.88 Access and Circulation
- Chapter 15.90 Public Facilities
- Chapter 15.92 Additional Standards for Land Divisions
- Chapter 15.94 Improvement Procedures and Guarantees

Article 7. Procedures

- Chapter 15.204 Application Procedures

Article 9. Land Divisions

- Chapter 15.402 General Provisions
- Chapter 15.406 Subdivisions and Planned Unit Developments (PUD)
- Chapter 15.414 Re-Platting and Boundary Line Adjustments
- Chapter 15.418 Processing and Recording Procedures

City of La Pine Transportation System Plan

II. INTRODUCTION and QUESTIONS FOR PLANNING COMMISSION

The current subdivision application under review was revised by the Applicant to respond to comments from the Fire Chief. In particular, the original application did not extend all of the existing roadways in Huntington Meadows. For Cassidy Drive and Betty Drive, the Applicant proposed either 1. utilizing the existing easements in Huntington Meadows for turnaround (no change from existing substandard turnarounds) or 2. constructing hammerhead turnarounds on these streets. However, these alternatives were not found to be acceptable to the Fire Department, and the Applicant revised the plans to propose through connections for all streets, with some of them being gated fire access alleyways. At the time of writing the staff report, comments had not yet been received from the Fire Department on the revised plans. There are a few questions that staff poses for the Planning Commission:

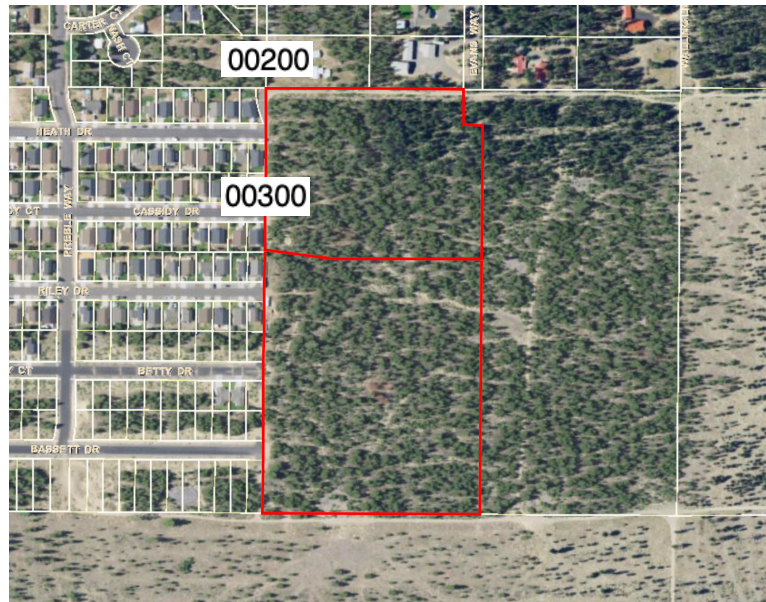
1. Are the proposed extensions of the existing Huntington Meadows Streets acceptable (full extension of Heath and Basset, partial extension of Riley, and fire access alley extension of Betty and Cassidy).
2. Should the subdivision include an extension of A Street to the south? Property to the South is outside of City limits and Federal land, but LPDC 15.90.070 (D) requires accommodate of future adjacent development. Is the federal land to the south “developable property” and is a future street extension required per 15.90.070 (D)? If public access is determined to be required to the south, should this be a full street section or a multi-use path for only pedestrians/bicyclists?

III. FINDINGS OF FACT:

LOCATION: The subject property does not currently have an assigned property address but is identified as Tax Lots 00200 and 00300 on Deschutes County Tax Assessor's Map 221014CD.

ZONING: The subject properties are zoned Residential Single Family Zone (RSF) and Residential Single Family Zone (RSF) on the La Pine Comprehensive Plan Map. Lots adjacent to the east, north, and west are also zoned and designated Residential Single Family Zone (RSF). To the south is property owned by the Bureau of Land Management (BLM) and is zoned Forest Use (F1) by Deschutes County.

SITE DESCRIPTION: The subject properties consist of two parcels, comprising a combined total of 20.56 acres and is rectangular in shape. They are vacant, and the topography is relatively level supporting a moderate cover of mature and immature lodgepole pine trees with sparse native underbrush. The subject properties are located outside of any FEMA designated floodway and/or floodplain, and abut the following public rights-of way: Evans Way to the north and Heath Drive, Cassidy Drive, Riley Drive, Betty Drive, Anchor Way and Bassett Drive to the West.



SURROUNDING USES: Lands zoned RSF to the west have been subdivided and developed into single-family residential lots of approximately 5,000 square feet, and improved public roads have been stubbed to the subject property. Adjacent properties to the north, also zoned RSF, are approximate 1.2-acre tax lots, each supporting a dwelling. The vacant 20-acre parcel to the East is also zoned RSF. To the south is property owned by the Bureau of Land Management (BLM) and is zoned Forest Use (F1) by Deschutes County.

LOT LEGALITY: Pursuant to Section 15.304.020 (A), the subject property consists of two legal lots of record lawfully created as Parcels 1 and 2 of Partition Plat 2018-45, recorded in Official Records 2018-48789 on December 11, 2018.

PUBLIC NOTICE AND COMMENTS: The City of La Pine sent notice of the application to the planning commission and to the property owners within 100 feet of the subject property. One public comment was received and is included in the record. The City will mail the notice of decision to the same distribution list.

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

IV. APPLICATION OF THE CRITERIA:

CONFORMANCE WITH CITY OF LA PINE ZONING ORDINANCE

Article 3. Zoning Districts

- Chapter 15.18 Residential Zones

15.18.400 Development Standards

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

Table 15.18-2 — Development Standards in the Residential Zones

Standard	RSF	RMF
Minimum density	1 unit per acre (1)	5 units per acre
Maximum density	7 units per acre (2)	40 units per acre
Minimum lot size	None	None for single-family dwelling, cottage cluster development, duplex, or townhomes. Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the same property, provided that urban services are available to serve the development.
Minimum street frontage	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes
Minimum setbacks	--	--
- Front or street-side yard	20 feet	20 feet

- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
Maximum building height	45 feet	45 feet
Maximum lot coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum landscaped area	See Chapter 15.82	See Chapter 15.82

FINDING: Per the Applicant’s Burden of Proof, the Applicant is proposing a density of approximately 3 dwelling units per acre, well within the range of 1 to 7 units per acre requirement as specified above. Every proposed lot has greater than 50 feet of street frontage. As such, these requirements are satisfied.

The proposed lot sizes range between 8,970 and 12,496 square feet and are of a large enough size to accommodate dwellings and garages, as well as accessory structures, and comply with the front side and rear setbacks and maximum lot coverage requirements. Compliance with setbacks, lot coverage and building height will be verified for compliance during the building permit review process for the development of each lot. Pursuant to 15.82.010, minimum landscape areas do not apply to single-family dwelling construction. The proposed tentative plan complies, or can comply upon development, with the standards of this section, with the exception of setbacks. The Applicant has submitted a variance request for side, rear, and corner lot setbacks, which are being reviewed under a separate application (02VA-19).

15.18.500 Additional Standards

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

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

FINDING: The Applicant’s Burden of Proof states that the proposed subdivision is designed to comply with all applicable development standards for the RSF Zone, although they are requesting setback variances through a separate application. No buildings are proposed as part of this application. Future development will be reviewed in detail for conformance as applicable to Building Codes during the building permit review process.

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.

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.

FINDING: The application is for subdivision, which is by definition a land division. As such, the standards of Chapter 15.80 are applicable and are reviewed herein. In addition, future development will be reviewed in detail for conformance as applicable to building codes during the building permit review process.

15.80.030 Exemption - Lot Size Requirements

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

- 1. Non-conforming lots or aggregate of contiguous lots or parcels held in a single ownership has an area or dimensions which do not meet the lot size or dimensional requirements of the applicable zone, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone; providing however, residential use shall be limited to single-family dwelling unit or to the number of dwelling units consistent with the equivalent densities of the zone.**
- 2. Any parcel of land or portion thereof, which is to be dedicated to a public, semi-public or public utility for a park, school, road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements of this chapter and the applicable zone.**

B. For all other lot size requirements in all other zones, applicants may propose approval of exceptions or variances in accordance with the application requirements in Article 8.

FINDING: Per Table 15.18-2 — Development Standards in the Residential Zones, there is no minimum lot size requirement for the RSF zone, except as determined based upon maximum density requirements. The proposed application meets the minimum and maximum density requirements. The application includes separate tracts to be dedication for access (fire alleyways and multi-use paths), which will not be required to conform to the lot sizing (or density) requirements of this section.

15.80.040 Exemption - Yard or Setback Requirements

The following exemptions to yard or setback requirements are authorized for a lot or use in any zone.

- A. If there is a lot where there are buildings on abutting lots, and the buildings are within 100 feet of the intervening lot, and the buildings have front yards less than the required front yard for the applicable zone, the depth of the front yard for the subject lot need not exceed the average depth of the front yards of the abutting lots.
- B. If there is a building on only one abutting lot within 100 feet with a front yard less than the required front yard for the zone, the front yard of the subject lot need not exceed a depth one-half way between the depth of the yard on the abutting lot and the required front yard of the applicable zone.
- C. Architectural features such as cornices, eaves, sunshades, canopies, gutters, chimneys and flues may project into a required yard two feet, provided that the projection is not closer than three feet to a property line, and, drainage or snowdrift does not flow onto abutting properties or right of way, and, fumes from woodstoves are not directed to other properties. Steps, terraces, platforms, patios, decks and porches having no roof covering, and fences not interfering with vision clearance requirements or drainage requirements may be permitted in required yards, except as otherwise limited or provided for by this ordinance, or as otherwise approved by the city.

FINDING: The Applicant is requesting approval of a tentative plat for a subdivision with this application; buildings are not yet proposed or sited. These criteria do not apply.

15.80.050 Supplementary Height Regulations

The maximum height limitations shall not apply to:

- A. The following principal structures: Church, college, farm structure (other than a farm dwelling), hospital, radio or television tower, exhaust stack, emergency services structure, or public utility structure which is a permitted use and is located in any zone, provided it shall conform to the setback and yard requirements of the zone where it is located plus 1 additional foot horizontally for each foot over 45 feet in height.
- B. The following appurtenances attached to or part of a principal or accessory structure: Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, mast, antenna, aerial, roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided it shall be set back in conformance with the setback and yard requirements plus 1 foot horizontally for each foot in which it exceeds 45 feet in height above ground level. The principal or accessory structure to which it is attached may conform to setback and yard requirements with no additional setback provided the principal or accessory structure conforms to the height limitations of the zone.

FINDING: This application is for a residential subdivision; none of the above referenced uses or structures are proposed. Future development will be reviewed in detail for conformance as applicable to Building Codes and applicable City Development Codes during the building permit review process.

15.80.060 Restrictions on the Use of Metal Shipping Containers

Except as specified below, metal shipping containers shall not be placed on site:

- A. In residential zones, no metal shipping containers shall be utilized as a dwelling at anytime, or as storage structures for greater than 30 days.

B. In commercial zones, metal shipping containers shall not be placed on site, with the exception of short-term use for construction or relocations (30 days or less), or in the case of construction; 30 days after a certificate of occupancy has been issued.

C. In Industrial zones, metal shipping containers are permitted for storage uses.

FINDING: The Applicant has not indicated any proposed use of metal containers.

Article 5. Development Standards

- **Chapter 15.88 Access and Circulation**

15.88.010 Purpose

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

15.88.020 Applicability

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

FINDING: The proposed subdivision is new development and necessitates the construction of new streets. As such, Chapter 15.88 applies.

15.88.030 Vehicular Access and Circulation

A. Purpose and Intent. Section 15.88.030 implements the street access guidelines of the City of La Pine Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.

B. Permit Required. Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.

FINDING: The Applicant has agreed this standard can be met through a condition of approval requiring approach permits to be secured. The proposed lots will access City streets and driveways will be reviewed through the building permit process. If driveway access permits are required at the time of building permit application, they shall be reviewed and approved prior to release of building permits.

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

FINDING: Submitted with the application is a Traffic Impact Analysis (TIA) prepared by Transportation Engineer Joe Bessman, P.E. with Transight Consulting, LLC. The findings and recommendations from

page 19-20 of the TIA are as follows below. These recommendations will be conditions of approval if they are not already incorporated into the plans.

Based on this review, the extension of local streets and development of the planned residential subdivision can occur in compliance with City plans. As previously identified, there are improvement needs at the US 97/Finley Butte – Morson Street intersection to address roadway alignments and long-term capacity needs for the overall City of La Pine. Summertime delays at this intersection are reaching Level of Service “F” for the minor westbound movements, and the recent installation of a pedestrian crossing refuge supports multimodal connections as an interim treatment but conflicts with the identified signalization plan. Signalization is a near-term priority project in the City’s adopted Transportation System Plan. The following is recommended to support the new subdivision:

- *City streetscape sections should conform to adopted City standards as identified within the Transportation System Plan and include 36-foot wide street sections to support on-street parking on both sides of the street.*
- *Accessible crossings should be provided at all intersections within the subdivision, and all adjacent roadway stubs should be extended as identified in the proposed development plan. At the transition point the roadways should include “curb extensions” to match with the existing narrower pavement section to the west.*
- *All “T” approaches within the subdivision should be stop-sign controlled to provide clear designation of roadway right-of-way.*
- *A pro-rata contribution should be provided toward improvements at the US 97/Finley Butte intersection. Impacts of the new subdivision are approximately 3.6% of the total intersection volume during the weekday p.m. peak hour, or \$518 per residential unit. To avoid double-payment, if the City adopts a Transportation SDC these pro-rata payments should be discontinued.*
- *Fencing, utilities, landscaping, and other above-ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.*

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.**

FINDING: Access management restrictions and limitations for accessing arterials and/or collectors are not applicable to this proposal, as the proposed lots will have access exclusively to local streets. As such, these criteria do not apply.

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

FINDING: The proposal for a 61-lot residential subdivision will have access exclusively to local streets. Criterion does not apply.

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

FINDING: The Applicant noted that the subject properties do not cross a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency. Staff is also not aware of any of these features on the subject properties. Criterion does not apply.

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

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

FINDING: The Applicant is not proposing any joint use driveways. As such, this requirement does not apply at this time.

15.88.040 Clear Vision Areas (Visibility at Intersections)

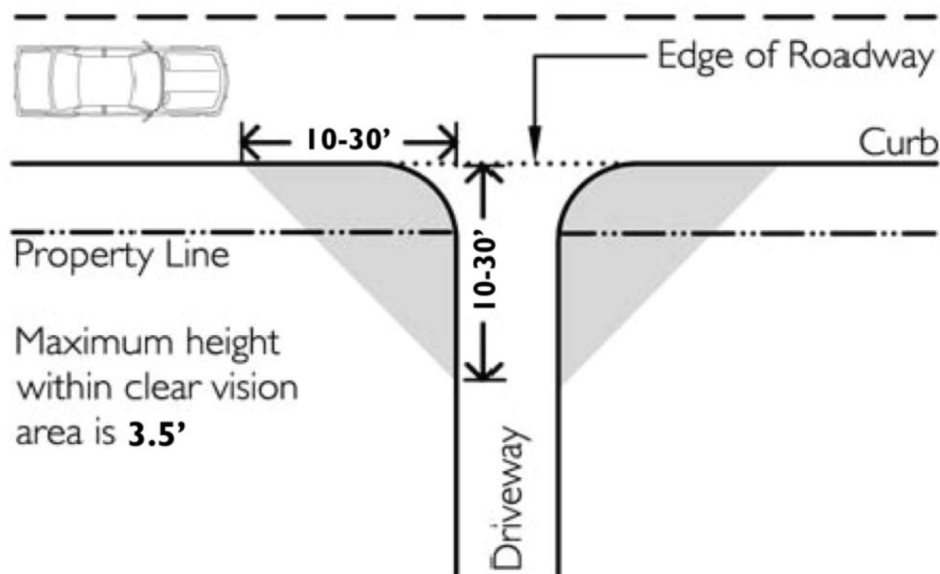
A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding three and one-half feet 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 18.88-1). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the City.

1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, 10 feet.

2. In all other zones, the minimum distance shall be in relationship to street and road right of way widths as follows:

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

Figure
Vision15.88-1. Clear
Areas

FINDING: The Applicant has stated that clear vision standards can be provided for through the development of the subdivision. Proposed street trees will be omitted in these areas, if necessary to maintain a clear vision area. This standard will be imposed as an ongoing condition of approval for a tentative plan.

15.88.050 Pedestrian Access and Circulation

- A. Purpose and Intent.** This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. Standards.** New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:
1. **Continuous Walkway System.** A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
 2. **Safe, Direct, and Convenient.** Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:

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

FINDING: The submitted tentative plan includes 6-foot sidewalks within the right of way on both sides of each street (with the exception of Anchor Way), in accordance with the City’s TSP. These sidewalks connect to the sidewalks in the adjacent Huntington Meadows subdivision to the west. Sidewalks are not shown on the west side of Anchor Way, likely due to the existing reduced right of way width (30’ west side of centerline). Sidewalks shall be constructed on both sides of Anchor Way, and for the section with reduced right of way (western side), the landscaped area can be reduced by 2 feet of width to accommodate the full sidewalk width. Final construction plans shall detail the transition between the new sidewalks and existing sidewalks.

In addition, the submitted revised tentative plan includes a tract for a multi-use path approximately mid-block with “A” and “B” Streets, to improve the pedestrian/bicycle connectivity through the neighborhood with long block lengths. This multi-use path shall be constructed by the developer and shall be a minimum of 10 feet wide, within a minimum 12-foot wide tract. The submitted tentative plan proposed the final connection of the multi-use path to occur in the final phase of the development, however, for block spacing and pedestrian/vehicle connectivity, this path shall be constructed prior to final plat of phase 2.

The multi-use path shall be an asphalt, concrete or other City-approved durable surface meeting ADA requirements consistent with the applicable City engineering standards.

Article 5. Development Standards

- **Chapter 15.90 Public Facilities**

15.90.020 Developer Responsibility for Streets and Other Public Facilities

- A. Duties of developer.** It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.
- B. Over-Sizing.** The City may require as a condition of development approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan, and the City may authorize other cost-recovery or cost-sharing methods as provided under state law.

FINDING: The Applicant proposes to construct all necessary streets, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the proposed phased subdivision in accordance with City of La Pine Standards and Specifications and/or the serving entity. Over-sizing of sewer, water, or storm drainage systems is not anticipated by the City.

- C. Inadequate existing streets.** Whenever existing streets, adjacent to, within a tract or providing access to and/or from a tract, are of inadequate width and/or improvement standards, additional right-of-way and/or improvements to the existing streets may be required.

FINDING: Anchor Way, in the northwest corner of the subject property has an existing partial street dedication, which the Applicant proposes to expand to full local street dedication width, in accordance with this requirement.

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

FINDING: The Applicant is not proposing any half streets.

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.

FINDING: The Applicant noted in their burden of proof that they understand that development permits for sewer and water improvements will not be issued until the Public Works Director has approved all sanitary

sewer and water plans for conformance with City standards. As such, this criterion is satisfied with a condition of approval to this regard.

B. Inadequate Facilities. Development permits may be restricted or rationed by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which, if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. The City may require water booster pumps, sanitary sewer lift stations, and other critical facilities be installed with backup power.

FINDING: Per the City Engineer, the Industrial Park lift station is nearing capacity and will require a replacement to provide capacity to development in the project area. The cost to replace the Industrial Park Lift station is \$637,000. The total number of Equivalent Dwelling Units anticipated at build out in the basin are 1,120. Therefore, the development shall contribute \$568.75 for each EDU toward a fund for replacement of the Industrial Park lift station. This fee must be submitted prior to release of building permits.

15.90.040 Stormwater

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

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

FINDING: Drainage systems associated with the subdivision must be designed to comply with all applicable standards and specifications and provide capacity for all runoff generated on site. The Applicant notes that the proposed landscape swales in the right-of-way are designed to accommodate all anticipated drainage and run-off demands resulting from the development. Grading and drainage plans shall be submitted to the City Engineer for review and approval for compliance with this standard and City Public Works standards, prior to construction and prior to issuance final plat.

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.

FINDING: The Applicant noted in their burden of proof that they are prepared to coordinate the development plan with all applicable utility providers in accordance with this standard.

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

FINDING: The Applicant has stated in their Burden of Proof that all utilities serving the development will be provided by underground service. Criterion is satisfied.

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

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

FINDING: The applicant notes in their burden of proof that all utilities serving the development will be provided by underground service. They further state that measures will be taken to ensure that above ground equipment does not obstruct vision clearance areas for vehicular traffic. Compliance with 15.90.050 (C)(1) through (4) can be ensured through a conditions of approval that all construction and utility plans be reviewed by the City Engineer and Public Works Manager prior to any construction.

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

FINDING: An exception to the undergrounding standard is not anticipated by Applicant and has not been requested.

15.90.060 Public Street/Highway Improvement

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

- A. **Installation of additional and/or passing lanes, including pedestrian ways and/or bikeways, within a public street or highway right-of-way existing as of the effective date of this chapter, unless such adversely impacts on-street parking capacities and patterns.**
- B. **Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, and/or no new land parcels result.**
- C. **Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time when no longer needed.**

- D. Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations, waysides, and, rest areas within a right-of-way existing as of the effective date of this Code. In addition, also exempt are contiguous public-owned property utilized to support the operation and maintenance of public roads and highways provided such is not located within a duly designated Residential Zone, or adjacent to or across the street from a lot or parcel within such a zone.
- E. The construction, reconstruction, or modification of a public street or highway that is identified as a priority project in a transportation system plan (TSP) or the State Transportation Improvement Plan (STIP) that was duly adopted on or before the effective date of this chapter.
- F. The design, construction, operation, and maintenance of a tourist-oriented or public wayside.

FINDING: Items 15.90.060 (A) through (F) are not applicable to the proposed Subdivision.

15.90.070 Design of Streets and Other Public Facilities

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

FINDING: Submitted with the application is a Traffic Impact Analysis (TIA) prepared by Transportation Engineer Joe Bessman, P.E. with Transight Consulting, LLC. Below are *Trip Generation Estimates* from page 4 of the TIA:

Trip generation estimates for the proposed development were prepared using the standard reference Trip Generation, 10th Edition, published by the Institute of Transportation Engineers (ITE). This national reference includes cordon-area studies of various land uses throughout the US. The land use category that best describes the proposed residential subdivision is ITE Land Use Category 210: Single-Family Detached Housing. It is described within the ITE manual as follows:

Single-family detached housing includes all single-family detached homes on individual lots. A typical site surveyed is a suburban subdivision.

Trip generation estimates based on the application of this category are summarized in Table 1.

Table 1. Estimated Trip Generation (ITE 10th Edition)

Land Use	ITE Code	Size (Units)	Weekday Trips	Weekday PM Peak Hour		
				Total	In	Out
Single-Family Detached Housing <i>General Urban/Suburban</i>	210	60 Units	566 <i>9.44/unit</i>	59 <i>0.99/unit</i>	37 <i>63%</i>	22 <i>37%</i>

As shown in Table 1, trip generation estimates for the proposed subdivision identify approximately 566 weekday daily trips, 59 of which are expected to occur during the weekday p.m. peak hour. The Deschutes County Development Code and the La Pine Transportation System Plan require a Transportation Impact Analysis (TIA) for all new developments expected to generate 200 or more weekday daily trips, or 20 or more weekday p.m. peak hour trips, therefore, a TIA is required for this development.

From pages 19-20 of the TIA are the *Findings and Recommendations* from Mr. Bessman:

Based on this review, the extension of local streets and development of the planned residential subdivision can occur in compliance with City plans. As previously identified, there are improvement needs at the US 97/Finley Butte – Morson Street intersection to address roadway alignments and long-term capacity needs for the overall City of La Pine. Summertime delays at this intersection are reaching Level of Service “F” for the minor westbound movements, and the recent installation of a pedestrian crossing refuge supports multimodal connections as an interim treatment but conflicts with the identified signalization plan. Signalization is a near-term priority project in the City’s adopted Transportation System Plan. The following is recommended to support the new subdivision:

- City streetscape sections should conform to adopted City standards as identified within the Transportation System Plan and include 36-foot wide street sections to support on-street parking on both sides of the street.
- Accessible crossings should be provided at all intersections within the subdivision, and all adjacent roadway stubs should be extended as identified in the proposed development plan. At the transition point the roadways should include “curb extensions” to match with the existing narrower pavement section to the west.
- All “T” approaches within the subdivision should be stop-sign controlled to provide clear designation of roadway right-of-way.
- A pro-rata contribution should be provided toward improvements at the US 97/Finley Butte intersection. Impacts of the new subdivision are approximately 3.6% of the total intersection volume during the weekday p.m. peak hour, or \$518 per residential unit. To avoid double-payment, if the City adopts a Transportation SDC these pro-rata payments should be discontinued.
- Fencing, utilities, landscaping, and other above-ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.

The above recommended requirements are included as conditions of approval, if they are not already included in the submitted plans. The overall street system will provide for adequate traffic circulation with typical intersection angles, flat grades, and typical tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. Based on the TIA prepared by Transight Consulting, LLC, considering the findings and recommendations, compliance with this criterion can be met.

B. Street location and pattern. The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
2. Conform to a plan for the general area of the development approved by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and
3. Conform to the adopted La Pine Transportation System Plan as may be amended.

FINDING: As depicted on the tentative plan, the proposed location and pattern of proposed streets provides for continuation of existing principal streets on abutting properties, either through local streets or fire access alleyways. The street grid proposed extends Bassett, Riley and Heath drives into the proposed development, as they are the principal through streets to Huntington Road (an arterial class roadway). Betty and Cassidy Drives are proposed to be extended only for fire access, as each is terminated in an existing cul-de-sac to the far west and they do not connect to another street at their termini.

Heath Drive and Bassett Drive are proposed to extend to the eastern boundary of the subdivision, providing connectivity to future undeveloped of property to east. Anchor Way right-of-way dedication is proposed in this application to complete the portion that was dedicated with the Huntington Meadows plat, and interim secondary access via Evans Way can be provided for alternative circulation until further development occurs. Such location and pattern of proposed streets conforms to the La Pine Transportation Plan and these standards can be satisfied.

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

FINDING: Evans Way currently dead ends in the northeast corner of the subject property. The proposed tentative plan extends Evans Way to Health Drive, to remedy this existing dead end. All other abutting existing streets are proposed to be extended either through a local street or fire access alley. The only other dead end street is the proposed eastern end of Bassett Drive, as it is proposed to be extended to the eastern property line to facilitate future development, which is required by code. Staff has not required an access way at this location, as the property to the east is undeveloped at this time, and no destination exists in that direction. Future development will be required to extend Bassett Drive. As such, this criterion is met.

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

FINDING: East: The property to the east, Tax lot 00100, 221014CD is a vacant, 20-acre parcel that is also zoned RSF, and is potentially developable. The submitted tentative plan includes the extension of Bassett Drive and Heath Drive to the eastern property line of the subject parcel, providing future access and connectivity to the vacant parcel to the east. In addition, due to long block lengths, the revised tentative plan includes a multi-use path connection mid-block between Heath Drive and Bassett Drive, to the eastern property line.

West: To the west is the existing subdivision, Huntington Meadows, which is served by existing local streets.

North: To the north of the subject property are two parcels zoned RSF, each developed with a single-family dwelling and each approximately 1.2 acres in size. These properties to the north are served by Anchor Way and Evans Way, which are spaced in accordance with the City's maximum block length requirements.

South: The property to the south is Federal forest-zoned property. The proposed tentative plan does not include any connections to the south. The nearest north-south connection is right-of-way reserved for Preble Way, approximately 635 feet to the west of the subject property's western property line. The absence of a connection to the south eliminates the ability for any future north-south connection along the entire subject property's southern edge and creates an exceptionally long block. The question for the Planning Commission to consider is:

Is the federal land to the south "developable property" and is a future street extension required per 15.90.070 (D)? If public access is determined to be required to the south, should this be a full street section or a multi-use path for pedestrians/bicyclists?

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

FINDING: Below is Table 4-4 excerpted from page 61 of the La Pine TSP identifying Roadway Cross-Section Standards:

Roadway Cross Section Standards

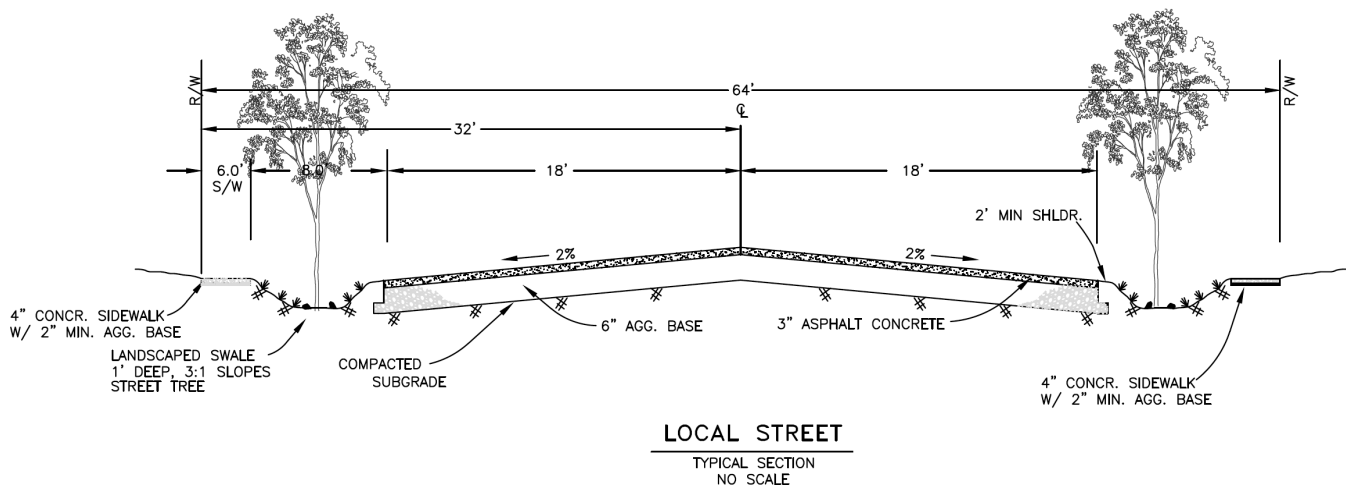
Table 4-4 presents the dimensional standards for the five proposed functional classifications in La Pine.

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

As depicted in the local street cross section on the tentative plan and below, the proposed street rights-of-way are 64 feet in width and comply with dimensional properties of the La Pine Transportation System Plan, with the exception of Anchor Way and the short extension of Riley Drive. The extension of Anchor Way to Heath Drive is slightly narrower than the City’s local street section, due to the half street dedication that previously occurred for the west half of the street, through the Huntington Meadows subdivision. Due to the short length of the extension of Riley Drive, staff recommends approval of this extension at the same right of way width (60’) of the existing Riley Drive to the west, for compatibility over a short distance. Staff finds that the proposal meets the requirements of this standard, as practical and applicable.



Applicant proposes utilizing the 8-foot landscape strip for storm drainage and street trees in addition to standard landscape plantings between driveways. Minimum right-of-way and roadway widths, including street, sidewalk, and surfacing widths, comply with the minimum widths in feet set forth in the La Pine Transportation System Plan, and the Applicant states that they will be constructed in conformance with applicable standards and specifications set forth by the City of La Pine. Construction plans and landscaping plans shall be submitted to the City for review prior to construction.

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

FINDING: As depicted on the submitted Tentative Plan, the local street cross section identifies a 6-foot-wide, property-tight sidewalk on each side of the proposed local street rights-of-way abutting all proposed lots in the subdivision. The pedestrian sidewalks comply with applicable standards of this section as they provide practical connectivity, as well as safe, reasonably direct, and convenient pedestrian access and circulation. The pedestrian sidewalk system extends throughout the development site and will connect to adjacent sidewalks to west within Huntington Meadows Subdivision. The sidewalk system within the subdivision has been designed to comply with this section and the Applicant states that sidewalks will be constructed to comply with applicable City of La Pine standards. Applicant shall submit construction plans to City for review and approval prior to any construction. As such, this criterion is met.

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

FINDING: Bike lanes are not proposed, nor are they required per the La Pine Transportation System Plan, as the development does not include an arterial or collector street. Instead, cyclists can use the roadway surface of the proposed local street network. Criterion does not apply.

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

- 1. The cul-de-sac shall not exceed a length of 400 feet, except where the City through a Type II procedure determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.**
- 2. A cul-de-sac shall terminate with a circular turn around with a minimum radius of 45 feet of paved driving surface and a 50 foot right-of-way and meeting the Uniform Fire Code.**

3. **The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands.**

FINDING: The Applicant is not proposing cul-de-sacs as part of the subdivision. Criterion does not apply.

- I. **Marginal access streets.** Where a land development abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with suitable depth, screen- plantings contained in a non-access reservation strip along the rear or side property line or other treatments deemed necessary for adequate protection of residential properties and the intended functions of the bordering street, and to afford separation of through and local traffic.
- J. **Streets adjacent to railroad right-of-way.** Whenever a proposed land development contains or is adjacent to a railroad right-of-way, provisions may be required for a street approximately parallel to the ROW at a distance suitable for the appropriate use of land between the street and the ROW. The distance shall be determined with consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting or other separation requirements along the ROW.
- K. **Reserve Strips.** Reserve strips or street plugs controlling access to streets will not be approved unless deemed necessary for the protection of public safety and welfare and may be used in the case of a dead-end street planned for future extension, and in the case of a half street planned for future development as a standard, full street.

FINDING: Standards in 15.90.070 (I) through (K) above are not applicable to the proposed subdivision.

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

FINDING: The submitted tentative plan illustrates compliance with this standard, as practicable. Aligned connections are provided Riley and Basset Drives, and Evans and Anchor Way are extended to Heath. Further extension of Anchor Way to the south would significantly impact the existing lots built along the eastern border Huntington Meadows. The existing lots in this area are small - and particularly narrow. The extension of Anchor Way in this area would create numerous non conforming lots for side yard setbacks. Offsetting Anchor Way to the east provides more flexibility in spacing between the street and houses. Heath Drive has a slight shift to the south, to accommodate the lots on the north side (Phase 1) which will be encumbered by a significant power easement. Without the shift in Heath Drive, there would be inadequate building space for these lots. Finally, Evans Way is not proposed to extend past Heath Drive; rather, "B" Street provides a north-south connection through the subdivision. The proposed offset location of Heath (rather than direct extension of Evans Way) may reduce the ability of traffic to gather speed as is common on long stretches of straight roads.

Staff finds that this criterion is satisfied to the extent practicable and where not achieved, the proposed design addresses a relevant need.

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

FINDING: The submitted Tentative Plan illustrates compliance with this standard in all intersections, excepting Anchor and Health. The existing alignment created by the plat of Huntington Meadows and an existing 40-foot power easement along the northern border of the subject property results in a curvature in Heath Drive and an intersection on a curve that does not provide the required tangent section. However, this is a low speed local street and the City Engineer finds this acceptable. Therefore, this application complies with this section.

N. Curves. Centerline radii of curves should not be less than 500 feet on major arterials, 300 feet on minor arterials, 200 feet on collectors or 100 feet on other streets and shall be on an even ten feet. Where existing conditions, particularly topography, make it otherwise impractical to provide building sites, the City may accept steeper grades and sharper curves than provided for herein in this subsection.

O. Street grades. Street grades shall not exceed 8% on arterials, 10% on collectors and 12% on all other streets including private driveways entering upon a public street or highway; however, for streets at intersections, and for driveways entering upon a public street or highway, there should be a distance of three or more car lengths (approximately 50 feet) where the grade should not exceed 6% to provide for proper stopping distance during inclement weather conditions.

P. Street names. Except for the extension of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street in the city or within a radius of six miles of the city or within the boundaries of a special service district such as fire or ambulance. Such street names shall be approved by the Deschutes County street name coordinator.

Q. Street name signs. Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.

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

FINDING: The Applicant states that the development of the subdivision will comply with the above standards 15.90.070 (N) through (R) where applicable. The existing topography of the subject property does not contain any severe slopes. Actual curves, street grades, street names, signage and other traffic control devices will be reviewed through Construction Document review by the City Engineer. Prior to construction, Applicant shall submit construction documents to the City for review and approval.

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

FINDING: The Applicant is not proposing any alleys as part of the division. Criterion does not apply.

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

FINDING: This standard allows the City Engineer to waive curb requirements during tentative plan review on the basis of special circumstances. Curbs are not proposed with the subdivision, rather, a landscape swale supporting street trees and vegetation is proposed. Landscape swales containing street trees can provide improved drainage capacity and flow during times of snow melt and heavy rains, if the grading is designed appropriately.

Concentrated flow created by curb lines requires point containment and disposal, which can be less effective in areas of higher groundwater, such as the subject property. Conversely, vegetated swales allow the storm waters to dissipate over a greater area, causing fewer areas of storm water concentration. Additionally, the Applicant notes that areas between street trees can provide for much-needed snow storage during excessive winter storms, when curbs can also be obscured by snow. The street trees and vegetation within the swales will also provide a higher level of class to the Subdivision than curbs. The La Pine TSP allows for flexibility or variation to street sections. Specifically, page 62 of the TSP provides (excerpted):

Context-Sensitive Variation

The street sections in the City of La Pine vary depending on whether they are located downtown core areas, residential sections, commercial hubs, or more rural environments. Context-specific considerations include:

- *Planter strips outside urbanized areas are optional, due to maintenance costs.*
- *Constrained roadways in more rural areas can be designed with shoulders to accommodate bikes and pedestrians when the right-of-way is limited.*
- *On-street parking can be provided or not provided based on the context of the area being served.*
- *Curbs should be included in the downtown core area. However, they may be optional in areas outside the downtown core when drainage issues warrant such consideration.*

...

Based on the above, the location of the proposed project being in an outlying area of the city, with no curbed streets in the vicinity, curbs are not necessary for the proposed subdivision and the applicant proposes the landscape swales as depicted on in the local street cross section illustrated on the submitted

Tentative Plan are more appropriate, efficient, and effective in this area. As such, the City Engineer has approved the street design without curbs and staff finds that this criterion is satisfied.

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

FINDING: The proposed tentative plan does not include any street lighting. Per the Public Works manager and the Public Works Standards and Specifications, *street lights shall be shown on the plans and provided at the following locations:*

Intersections

Cul-de-sacs if over 200 feet from the intersection (not applicable to 01SUB-19)

Mid-block for blocks longer than 400 feet from center of intersection to center of intersection

High-use driveways and other locations designated by the City Engineer.

Poles and fixtures shall conform to the power provider standards.

Standard Mid State Electric head fixtures shall be used...or as indication in conditions of approval of land use action.

In addition, staff recommends that appropriate lighting, as approved by the City Engineer and Public Works Manager, be required at the crosswalks associated with the multi-use path on both streets.

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

FINDING: The Applicant will be responsible for making the necessary arrangements with all applicable utility companies serving the subdivision for installation. Will-serve letters from Bend Broadband and MidState Electric were submitted by the Applicant with their application.

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

FINDING: The Applicant notes that “proposed drainage facilities, in the form of the proposed vegetated swales, are designed in accordance with all applicable City and Oregon Department of Environmental Quality standards.” Prior to construction, Applicant shall submit construction plans and stormwater calculations to the City Engineer for review and approval. With this condition, this criterion is satisfied.

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

FINDING: Gates are not proposed as part of the subdivision.

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.
- 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.

FINDING: Pursuant to (B)(3) above, a TIA is required with this application. Accordingly, submitted with the application is a Traffic Impact Analysis (TIA) prepared by Transportation Engineer Joe Bessman, P.E. with Transight Consulting, LLC. Criteria is satisfied.

- D. Waiver or Deferral.** The City may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (1) through (4) is met. Where the City agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.

1. The standard improvement conflicts with an adopted capital improvement plan.
2. The standard improvement would create a safety hazard.
3. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.
4. The improvement under consideration is part of an approved partition in the [RL or RM] and the proposed partition does not create any new street.

FINDING: Applicant does not propose deferral of street improvements. Criteria does not apply.

Article 5. Development Standards

- **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.

FINDING: As shown on the submitted Tentative Plan, block length and block perimeter is exceeded on proposed 'A' and 'B' Streets. The Applicant is seeking an exception to this standard on the basis that they believe the exception is required in order to provide larger mid-range lots and promote additional accessory uses on the lots with additional space for vehicles to park off street.

The existing development pattern of Huntington Meadows limits the block width, and therefore, the lot depth. The Applicant states that the result is a shortage of building envelope that precludes any additional space for parking and storage of vehicles on site. The consequence of such, as observed by staff, is that most all of the drainage swales originally constructed with the adjacent development have been filled in by residents and are used for illegal parking of recreational vehicles, additional cars and trucks that cannot be parked on site.

This application proposes to change this pattern of development and provide larger lots that contain sufficient dimensions for mid-sized houses and adequate area for access drives down one side yard to the rear of the lot for accessory uses such as ADU's, 3-car garages and shops, with the intent to alleviate the need for parking and storage of vehicles in the public right-of-way. As shown in the proposed tentative plan, the Applicant proposes to change the pattern of development by orienting the lots in the opposite direction (east-west, rather than the north-south of Huntington Meadows). The combination of large lots and different lot orientation reduces the need of and desirability for the extension of all the streets in Huntington Meadows to the east through this proposed subdivision. The existing streets in Huntington Meadows are minimally spaced (less than 250' between centerlines), which could create more infrastructure than necessary for the proposed large lot subdivision.

The Applicant does propose to extend Riley Drive to "A" Street, however, does not propose further extension. The block length standard of 15.92.010 allows the City to grant an exception to the maximum block length due to topography or location of adjoining streets. The subject property is relatively flat, without topographical challenges. The proposed subdivision is flanked on its north and south by Heath Drive and Bassett Drive, both of which connect to and terminate at Huntington Road, the nearest north-south arterial. There are no destinations located between Heath Drive and Bassett Drive, reducing the necessity of Riley Drive to be extended through the proposed subdivision. Traffic traveling south from the proposed subdivision will utilize Bassett Drive, while traffic traveling north can utilize Heath Drive.

Further, maximum block lengths are typically provided to 1. Minimize pedestrian walking distances and 2. Provide traffic calming to minimize a "thoroughfare" effect. The proposed subdivision includes a multi-use path for pedestrians and bicyclists in alignment with Riley Road, which minimize walking and bicycling distances, as well as provide traffic calming at the intersections/crosswalks of the path with A and B Streets. To provide this ped/bike connection at the time when the block length of B Street exceeds City maximum lengths, the multi-use path shall be constructed prior to final plat of Phase 2.

Staff recommends that the proposed subdivision warrants an exception from the block length due to the location of adjoining streets and the inclusion of the mid-block multi-use path.

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

FINDING: The proposed lot size, shape and orientation are appropriate for the intended residential development and are consistent with the RSF Zone. As detailed above, the Applicant notes that the lots are designed for single family dwellings and accessory uses permitted outright in the zone. There are no topographical constraints imposed by the terrain of the subject property as the entire site is relatively featureless and flat. As such, this criterion is satisfied.

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

FINDING: All lots are proposed to abut a public street for a width in excess of 50 feet. No cul-de-sacs are proposed, and access can be taken directly from the local street. This standard is met.

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

FINDING: Proposed lots 1, 2, and 9 have curved lot lines where abutting curved streets (Heath Drive, Anchor, and 'A' Street intersect), however the side lot lines are parallel to the adjacent side lot lines for design consistency. The submitted tentative plan demonstrates that all other lots are designed to comply with this standard, as practicable. As such, this criterion is satisfied.

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

FINDING: The submitted tentative plan does not propose a division by boundary, ROW or drainage way.

F. Grading, cutting and filling of building lots or sites. Grading, cutting and filling of building lots or sites shall conform to the following standards unless physical conditions warrant other standards as demonstrated by a licensed engineer or geologist, and that the documentation justifying such other standards shall be set forth in writing thereby.

1. Lot elevations may not be altered to more than an average of three feet from the natural pre-existing grade or contour unless approved otherwise by the city.
2. Cut slopes shall not exceed one foot vertically to one and one-half feet horizontally.
3. Fill slopes shall not exceed one foot vertically to two feet horizontally.
4. Where grading, cutting or filling is proposed or necessary in excess of the foregoing standards, a site investigation by a registered geologist or engineer shall be prepared and submitted to the city as a part of the tentative plan application.
 - a. The report shall demonstrate construction feasibility, and the geologist or engineer shall attest to such feasibility and shall certify an opinion that construction on the cut or fill will not be hazardous to the development of the property or to surrounding properties.
 - b. The Planning Commission shall hold a public hearing on the matter in conformance with the requirements for a Conditional Use permit, however, such may be included within the initial hearing process on the proposed development.
 - c. The Planning Commission's decision on the proposal shall be based on the following considerations.
 - (1) That based on the geologist's or engineer's report, that construction on the cut or fill will not be hazardous or detrimental to development of the property or to surrounding properties.

- (2) That construction on such a cut or fill will not adversely affect the views of adjacent property(ies) over and above the subject site without land alteration, or that modifications to the design and/or placement of the proposed structure will minimize the adverse impact.
- (3) That the proposed grading and/or filling will not have an adverse impact on the drainage on adjacent properties, or other properties down slope.
- (4) That the characteristics of soil to be used for fill, and the characteristics of lots made usable by fill shall be suitable for the use intended.

FINDING: The subject property is relatively flat, and no significant cuts or fills are proposed. The Applicant notes that grading for infrastructure installation associated with preparation for development of the proposed lots can comply with these requirements, and will be reviewed in detail for conformance as applicable to Building Codes during the building permit review process.

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

FINDING: In accordance with this standard, through or double-frontage lots are not proposed as part of the subdivision.

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

FINDING: Special building setback lines are not proposed as part of the subdivision.

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

FINDING: This standard is not applicable as the subdivision does not include large lots where future redivision is likely or possible.

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.

FINDING: The submitted tentative plan has fairly deep lots and 3is designed to accommodate utility easements in accordance with 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.

FINDING: The Applicant notes in their burden of proof that no watercourses traverse the subject properties. As such, this standard 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.

FINDING: Due to the long block lengths of “A” and “B” Streets, the Applicant proposes a 10-foot tract for a multi-use path mid block, to provide pedestrian/bicycle connectivity. In accordance with this standard, the multi-use path shall be constructed 10 feet wide; as such, the tract shall be 12 feet wide.

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

FINDING: As depicted on the Tentative Plan, sewer and water lines will be provided within the rights-of-way of the local streets within the subdivision. No sewer or water easements are anticipated at this time.

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.

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

- 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%.

FINDING: The proposed subdivision does not meet the 30% threshold.

Article 5. Development Standards

- **Chapter 15.94 Improvement Procedures and Guarantees**

15.94.010 Improvement Procedures

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

- A. Plan review and approval. Improvement work shall not be commenced until plans therefore have been reviewed and approved by the City or a designated representative thereof. The review and approval shall be at the expense of the developer.
- B. Modification. Improvement work shall not commence until after the City has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the City is notified and approval thereof granted.
- C. Improvements as platted. Improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the City.
- D. Inspection. Improvement work shall be constructed under the inspection and approval of an inspector designated by the City, and the expenses incurred therefore shall be borne by the developer. Fees established by the City Council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.

- E. Utilities.** Underground utilities, including, but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets shall be constructed by the developer prior to the surfacing of the streets.
- F. As built plans.** As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the City upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements.

FINDING: Construction plans shall be submitted to the City for review and approval prior to construction. These above requirements for utilities, improvement construction, inspections and as built plans are recommended conditions of approval

15.94.020 Completion or Assurance of Improvements

- A. Agreement for improvements.** Prior to final plat approval for a subdivision, partition, PUD or other land development, or the final approval of a land use or development pursuant to applicable zoning provisions, where public improvements are required, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the City an agreement between him/herself and the City specifying the period in which improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, that the City may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the City for the cost of inspection and other engineer services directly attributed to the project.
- B. Bond or other performance assurance.** The developer shall file with the agreement, to assure his/her full and faithful performance thereof, one of the following, pursuant to approval of the City Attorney and City Manager, and approval and acceptance by the City Council.
 1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
 2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
 3. Cash deposit.
 4. Such other security as may be approved and deemed necessary by the City Council to adequately assure completion of the required improvements.
- C. Amount of security required.** The assurance of full and faithful performance shall be for a sum approved by the City as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20% for contingencies.

D. Default status. If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the City shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the City, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.

FINDING: As approved by the City Engineer, public improvements must be constructed prior to final plat of each phase, or an approved performance assurance mechanism and associated improvement agreement with specific construction times outlined, may be filed with the City for construction of items not necessary for safety or required connectivity. All such agreements shall be reviewed and approved by the City Engineer and shall be in compliance with LPDC 15.94.020.

15.94.030 Building and Occupancy Permits

A. Building permits. No building permits shall be issued upon lots to receive and be served by sanitary, sewer and water service and streets as improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the City, with the service connections fees paid, and accepted by the City.

B. Sale or occupancy. All improvements required pursuant to this chapter and other applicable regulations or approval conditions shall be completed, in service and approved by the City, and accepted by the City Council, prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the subdivision, partitioning, PUD or other development.

FINDING: These shall be a condition of approval. Prior to issuance of building permits or sale/occupancy of any lot, all lots shall be served by sewer and water service and streets shall be constructed/improved as required by this decision and approval of construction plans by the City Engineer.

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.

FINDING: This is a recommended condition of approval. Prior to sale and/or occupancy of any lot and as a condition of acceptance of the improvements, the Applicant shall submit to the City 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.

FINDING: While this need is not anticipated, the Applicant acknowledges the possibility of the provisions of this section in their burden of proof.

Article 7. Procedures

- **Chapter 15.204 Application Procedures**

15.204.030 Type III Procedure (Quasi-Judicial Review – Public Hearing)

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. Except that prior to becoming effective, all quasi-judicial Comprehensive Plan amendments and Zone changes shall be adopted by the City Council. In considering all quasi-judicial Comprehensive Plan amendments and Zone changes on which the Planning Commission has authority to make a decision, the City Council shall, in the absence of an appeal or review initiated by the Council, adopt the Planning Commission decision. No argument or further testimony will be taken by the Council.

A. Application Requirements.

1. **Application Forms.** Applications requiring Quasi-Judicial review shall be made on forms provided by the City Planning Official.
2. **Submittal Information.** The City Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
 - a. The information requested on the application form;
 - b. Plans and exhibits required for the specific approval(s) being sought;
 - c. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
 - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
 - e. The required fee; and
 - f. Evidence of neighborhood contact, as applicable, pursuant to Section 15.202.050.

FINDING: The Applicant submitted an application, tentative plan, burden of proof, fee, and supporting materials required for Type III review of a Preliminary Plat for a Subdivision. The application requirements were met.

B. Mailed and Posted Notice of a Public Hearing.

1. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. However, the failure of a property owner to receive mailed notice shall not invalidate any land use approval if the Planning Official can show by affidavit that such notice was given. Notice shall be mailed to:
 - a. The applicant;
 - b. Owners of record of property as shown on the most recent property tax assessment roll of property located within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;
 - c. The owner of a public use airport if the airport is located within 10,000 feet of the subject property;
 - d. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park;
 - e. The Planning Commission;
 - f. Any neighborhood or community organization formally recognized by the City Council, whose boundaries include the site;
 - g. Any person who submits a written request to receive a notice; and
 - h. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City Planning Official shall notify the road authority if different than the City of La Pine. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.
2. In addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the County at least 10 days prior to the hearing
3. At least 14 days before the first hearing, the City shall post notice of the hearing on the project site in clear view from a public right-of-way.
4. Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:
 - a. A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;
 - b. The date, time, and location of the scheduled hearing;

- c. **The street address or other clear reference to the location of the proposed use or development;**
- d. **A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;**
- e. **A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Planning Official, and that copies shall be provided at a reasonable cost;**
- f. **A statement that a copy of the City’s staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;**
- g. **A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and**
- h. **A statement that after the public hearing closes, the City will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.**

FINDING: Notice of the public hearing was sent to neighbors within 250 feet (exceeding the required 100 feet) and to the City’s agency notification list on October 1, 2019. The notice followed the City’s standard notice format for a quasi-judicial land use application and included the above required elements. Notice was posted on site on 10/8/19 and the in the local paper (Wise Buys) in the 10/8/19 and 10/15/19 editions, as well as in the Bend Bulletin on 10/10/19, in compliance with these requirements.

C. Setting the hearing.

- A. After an application is deemed accepted a hearing date shall be set. A hearing date may be changed by the City staff, or the Hearings Body up until the time notice of the hearing is mailed. Once the notice of hearing is mailed any changes in the hearing date shall be processed as a continuance in accordance with Subsection G.**
- B. If an applicant requests that a hearing date be changed, such request shall be granted only if the applicant agrees that the extended time period for the hearing shall not count against the 120-day time limit set forth in Section 15.202.020.**

FINDING: The hearing date was set for October 30, 2019, but was continued two times, with the continued hearing date set for December 3, 2019 at the time of drafting this staff report.

D. Ex Parte Contact, Personal Knowledge and Bias.

- 1. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall**

follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the parties in the public hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

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

- a. Publicly announce for the record the substance of such communication; and
 - b. Announce the parties' right to rebut the substance of the ex parte communication during the hearing. Communication between City staff and the Hearings Body shall not be considered to be an ex parte contact.
2. If the Hearings Body or any member thereof uses personal knowledge acquired outside of the hearing process in rendering a decision, the Hearings Body or member thereof shall state the substance of that knowledge on the record and allow all parties the opportunity to rebut such statement on the record. For the purposes of this section, a site visit by the Hearings Body shall be deemed to fall within this rule. After the site visit has concluded, the Hearings Body must disclose its observations and conclusions gained from the site visit in order to allow for rebuttal by the parties.
 3. Prior to or at the commencement of a hearing, any party may challenge the qualification of the Hearings Body, or a member thereof, for bias, prejudgment or personal interest. The challenge shall be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, the Hearings Body or the member shall disqualify itself, withdraw or make a statement on the record of its capacity to hear.

FINDING: The Planning Commission will host a hearing in accordance with these standards and will follow standard procedures, including disclosure of ex parte contact, personal knowledge and bias.

E. Conduct of a Quasi-Judicial Public Hearing. A hearing shall be conducted as follows:

1. The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.
2. A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.
3. Any facts received, noticed or recognized outside of the hearing shall be stated for the record.

4. Challenges to the Hearings Body's qualifications to hear the matter shall be stated and challenges entertained.
5. The Hearings Body shall list applicable substantive criteria, explain that testimony and evidence must be directed toward that criteria or other criteria in the comprehensive plan or land use regulations that the person believes to apply to the decision, and that failure to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond precludes appeal to LUBA based on that issue.
6. Order of presentation:
 1. Open the hearing.
 2. Staff report.
 3. Proponents' presentation.
 4. Opponents' presentation.
 5. Proponents' rebuttal.
 6. Opponents' rebuttal may be allowed at the Hearings Body's discretion.
 7. Staff comment.
 8. Questions from or to the chair may be entertained at any time at the Hearings Body's discretion.
 9. Close the hearing.
7. The record shall be available for public review at the hearing.
8. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the record.
9. Throughout all local land use proceedings, the burden of proof rests on the applicant.
10. Any interested person may appear and be heard in a land use action hearing, except that in appeals heard on the record, a person must have participated in a previous hearing on the subject application. Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party. A person whose participation consists only of signing a petition shall not be considered a party.

FINDING: These hearing procedures will be followed.

F. Close of the record.

1. Except as set forth herein, the record shall be closed to further testimony or submission of further argument or evidence at the end of the presentations before the Hearings Body.
2. If the hearing is continued or the record is held open under Subsection G, further evidence or testimony shall be taken only in accordance with the provisions of Subsection G.
3. Otherwise, further testimony or evidence will be allowed only if the record is reopened under Subsection H.

4. An applicant shall be allowed, unless waived, to submit final written arguments in support of its application after the record has closed within such time limits as the Hearings Body shall set. The Hearings Body shall allow applicant at least seven days to submit its argument, which time shall be counted against the 120-day time limit for decision.

G. Continuances or record extensions.

1. Grounds.

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

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

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

2. Continuances.

- a. If the Hearings Body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial hearing.
- b. An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.
- c. If new written evidence is submitted at the continued hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to allow submittal of additional written evidence or testimony. Such additional written evidence or testimony shall be limited to evidence or testimony that rebuts the new written evidence or testimony.

3. Leaving record open. If at the conclusion of the hearing the Hearings Body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional days for response to the evidence

received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.

- D. A continuance or record extension granted ... shall be subject to the 120-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time period during which the 120-day time limit is suspended shall include the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.**

H. Reopening the record.

- A. The Hearings Body may at its discretion reopen the record, either upon request or on its own initiative. The Hearings Body shall not reopen the record at the request of an applicant unless the applicant has agreed in writing to a suspension of the 120-day time limit.**

B. Procedures.

- 1. Except as otherwise provided for in this section, the manner of testimony (whether oral or written) and time limits for testimony to be offered upon reopening of the record shall be at the discretion at the Hearings Body.**
- 2. The Hearings Body shall give written notice to the parties that the record is being reopened, stating the reason for reopening the record and how parties can respond. The parties shall be allowed to raise new issues that relate to the new evidence, testimony or criteria for decision-making that apply to the matter at issue.**

FINDING: The procedures for closing the record, continuing the record, and reopening the record will be followed.

- I. Notice of Quasi-Judicial Decision. A Hearings Body's decision shall be in writing and mailed to all parties; however, one person may be designated by the Hearings Body to be the recipient of the decision for a group, organization, group of petitioners or similar collection of individual participants. The Notice of Quasi- Judicial Decision shall contain all of the following information:**

- a. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the record;**
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);**
- c. A statement of where the City's decision can be obtained;**
- d. The date the decision shall become final, unless appealed; and**

- e. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council pursuant to Subsection K or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

FINDING: Notice of the Planning Commission decision will be mailed in accordance with these procedures.

- J. **Effective Date of Decision.** Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective 12 days after the City mails the decision notice, unless the decision is appealed pursuant to Subsection K or unless the decision is called up for review by the City Council pursuant to Section 15.204.020(G). No building permit shall be issued until a decision is final. Appeal of a final decision to LUBA does not affect the finality of a decision at the local level for purposes of issuing building permits, but any development that occurs during the pendency of appeals beyond the local level are at the sole risk of the applicant and the City may require execution of an instrument acknowledging such fact prior to issuance of any building permits.

FINDING: In accordance with this requirement, the effective date of the Planning Commission decision will be 12 days after the City mails the decision notice, unless an appeal is filed in accordance with Subsection K, or the decision is called up by Council for review. No building permits will be issued until the decision is final.

- K. **Appeal of Planning Commission Decision.** The Planning Commission's decision may be appealed to the City Council as follows:

1. **Who may appeal.** The following people have legal standing to appeal:
 - a. The applicant or owner of the subject property; and
 - b. Any other person who testified orally or in writing during the subject public hearing before the close of the record.
2. **Appeal filing procedure.** Appeals shall be filed in accordance with Chapter 15.212.

FINDING: If the decision is appealed, these procedures must be followed.

Article 9. Land Divisions

- **Chapter 15.402 General Provisions**

15.402.010 Purpose

It is the purpose of this Article 9, in accordance with the provisions of ORS Chapters 92 and 227, to provide for minimum standards governing the approval of land divisions, including subdivisions and land partitions, as necessary to carry out the needs and policies for adequate traffic movement, water supply, sewage disposal, drainage and other community facilities, to improve land records and boundary monumentation and to ensure equitable processing of subdivision, partitioning and other land division activities within the city and the surrounding urban area.

15.402.020 Applicability

No person may subdivide, partition or otherwise divide land, or create a planned unit or cluster development, or create a street for the purpose of developing land except in accordance with the provisions of this Article 9, this chapter and ORS Chapters 92.012 and 277.100.

FINDING: The submitted application is for a 61-lot subdivision and is subject to the subdivision requirements and criteria of Article 9.

Article 9. Land Divisions

- **Chapter 15.406 Subdivisions and Planned Unit Developments (PUD)**

15.406.010 Subdivision Applications

A. Application. Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the City. The application shall be accompanied with either an outline development plan as provided for in division (B) of this section, or a tentative plan as set forth in division (C) of this section, together with improvement plans and other supplementary material as may be required, and the materials required for the applicable review type as specified in Article 7. The number of copies required shall be as specified on the application form. The date of filing shall be construed to be the date on which all of the foregoing materials are received and accepted by the appropriate city official.

B. Outline development plan. The submittal of an outline development plan in the subdivision application process is at the option of the applicant and/or developer. If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth below.

...

FINDING: The Applicant chose to skip the step of submitting an outline plan and instead submitted a tentative plan, as allowed by this section.

C. Tentative plan required. Following or in conjunction with submittal and approval of an outline development plan and subdivision application, or as an initial subdivision application, any person proposing a subdivision shall submit a tentative plan together with the accompanying information and supplemental data, prepared and submitted in accordance with the provisions of this section and materials required for a Type III review as specified in Article 7. (ORS 92.040). Note: Applicants should review the design standards set forth in Article 5 prior to preparing a tentative plan for a development.

- 1. Scale of tentative plan.** The tentative plan of a proposed subdivision shall be drawn on a sheet 18 by 24 inches in size or multiples thereof at a scale of one inch equals 100 feet or multiples thereof as approved by the Planning Official. (ORS 92.080). In addition, at least one copy of the plan on a sheet of paper measuring 8 1/2 inches by 11 inches or 11 inches by 17 inches shall be provided for public notice requirements.
- 2. Information requirements.** The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan submittal shall be considered

complete, unless all such information is provided unless approved otherwise by the Planning Official.

a. General information required.

- (1) Proposed name of the subdivision.
- (2) Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, and surveyor and any assumed business names filed or to be filed by the owner or subdivider in connection with the development.
- (3) Date of preparation, north point, scale and gross area of the development.
- (4) Identification of the drawing as a tentative plan for a subdivision.
- (5) Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

b. Information concerning existing conditions.

- (1) Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed development.
- (2) Location of any existing features such as section lines, section corners, city and special district boundaries and survey monuments.
- (3) Location of existing structures, fences, irrigation canals and ditches, pipelines, waterways, railroads and natural features, such as rock outcroppings, marshes, wetlands, geological features and natural hazards.
- (4) Location and direction of water courses, and the location of areas subject to erosion, high water tables, and storm water runoff and flooding
- (5) Location, width and use or purpose of any existing easements or rights-of-way within and adjacent to the proposed development.
- (6) Existing and proposed sewer lines, water mains, culverts and underground or overhead utilities within and adjacent to the proposed development, together with pipe sizes, grades and locations.
- (7) Contour lines related to some established bench mark or other acceptable datum and having minimum intervals of not more than 20 feet.

c. Information concerning proposed subdivision.

- (1) Location, names, width, typical improvements, cross-sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.

- (2) Location, width and purpose of all proposed easements or rights-of-way, and the relationship to all existing easements or rights-of-way.
- (3) Location of at least one temporary benchmark within the proposed subdivision boundary.
- (4) Location, approximate area and dimensions of each lot and proposed lot and block numbers.
- (5) Location, approximate area and dimensions of any lot or area proposed for public, community or common use, including park or other recreation areas, and the use proposed and plans for improvements or development thereof.
- (6) Proposed use, location, area and dimensions of any lot which is intended for nonresidential use and the use designated thereof.
- (7) An outline of the area proposed for partial recording on a final plat if phased development and recording is contemplated or proposed.
- (8) Source, method and preliminary plans for domestic water supply, sewage disposal, solid waste collection and disposal and all utilities.
- (9) Stormwater and other drainage plans.

FINDING: This application is for approval of a tentative plan for a subdivision on a vacant and undeveloped parcel with little to no existing infrastructure or features. Any information for which the City needs additional details is noted as a recommended condition of approval.

D. Master development plan required. An overall master development plan shall be submitted for all developments planning to utilize phase or unit development. The plan shall include, but not be limited to, the following elements.

1. Overall development plan, including phase or unit sequences and the planned development schedule thereof.
2. Schedule of improvements initiation and completion.
3. Sales program timetable projection.
4. Development plans of any common elements or facilities.
5. Financing plan for all improvements.

FINDING: The Applicant has requested approval of a phasing plan. The proposal is for final plat of Phase 1 to be recorded within two years of tentative plan approval, and completion of the remaining phases to be completed within five years. Any phases not recorded within five years would require an extension from the City or re-application. The Applicant proposed to construct only what is included within the

phasing boundaries shown on the tentative plan map, however, staff recommends the following modifications:

- Every phase must include accommodations for an appropriate temporary fire turnaround, if required by the fire code. Temporary turnarounds, with acceptable easements submitted to the City Engineer for review and approval.
- The pavement section of Bassett Drive for the section of the street proposed in Phase 4 must be completed during Phase 3.
- The multi-use path must be completed during Phase 2. If the Riley Road extension is not completed at this time (as proposed in the submitted phasing), the pedestrian path shall be constructed to the existing terminus of Riley Road, as approved by the City Engineer.

E. Supplemental information required. The following supplemental information shall be submitted with the tentative plan for a subdivision.

- 1. Proposed deed restrictions or protective covenants, if such are proposed to be utilized for the proposed development.**

FINDING: The Applicant is proposing a homeowners association and CC&Rs, particularly for maintenance of the proposed vegetated swales along the roadways, to “ensure preservation of the drainage areas.”

- 2. Reasons and justifications for any variances or exceptions proposed or requested to the provisions of this subchapter, the applicable zoning regulations or any other applicable local, state or federal ordinance, rule or regulation.**

FINDING: The Applicant requested an exception on the construction of curbs (requesting no curbs), which has been approved by the City Engineer. The Applicant has also requested several variances from setbacks, which are being considered through a separate application (02VA-19).

F. Tentative plan review procedures.

- 1. Tentative plan review shall follow the Type III review procedures in Article 7.**
- 2. The decision on a tentative plat shall be set forth in a written decision, and in the case of approval shall be noted on not less than two copies of the tentative plan, including references to any attached documents setting forth specific conditions.**

FINDING: The tentative plan review is following the Type III review procedures in Article 7. Following a hearing, the Planning Commission will decide on the proposal and will issue a written decision in accordance with this requirement.

G. Tentative approval relative to final plan. Approval of the tentative plan shall not constitute final acceptance of the final plat of the proposed subdivision for recording. However, approval of the tentative plan shall be binding upon the city for preparation of the final plat and the city may require only such changes as are deemed necessary for compliance with the terms of its approval of the tentative plan.

H. Resubmission of denied tentative plan. Resubmittal shall be considered a new filing, but shall require the applicant to consider all items for which the prior denial was based, in

addition to the other filing requirements set forth by this chapter.

FINDING: These tentative plan and final plan requirements and procedures will be followed and enforced by the City.

I. Requirements for approval. An outline development plan or a tentative plan for a subdivision shall not be approved unless it is found, in addition to other requirements and standards set forth by this chapter and other applicable City of La Pine ordinances, standards and regulations, that the following requirements have been met:

1. The proposed development is consistent with applicable density and development standards set forth of the applicable zone in Article 3. All lots conform to the applicable lot standards of the zoning district including density, lot area, dimensions, setbacks, and coverage.

FINDING: The proposed density is approximately 3 to 4 lots per acre in the residential single family zone. LPDC 15.18.400, which is within the allowed density for the zone (minimum RSF density = 1 unit/acre, maximum RSF density = 7 units per acre). There is no minimum or maximum lot size for the RSF zone. Minimum lot widths of 50 feet abutting a public street are exceeded with the proposed tentative plan. Construction of structures are not proposed as part of this application, so setbacks and coverage will be reviewed during the building permit process. However, the lots are of ample size to be capable of meeting the requirements. This criterion has been met for the elements capable of being demonstrated at this phase of development and a condition of approval that the development comply with coverage and setback requirements (or approved variances for such) can ensure compliance with this criterion for the development standards relevant at future phases of development.

2. The proposal is in compliance with any applicable overlay zone regulations in Article 4.

FINDING: The subject property is not included in any overlay zones.

3. The proposal is in compliance with the design and improvement standards and requirements set forth in Article 5, or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.

FINDING: This application is reviewed herein for compliance with the design and improvement standards and requirements of Article 5. Staff finds that the application either meets these standards or can meet them with conditions of approval.

4. The applicant has demonstrated that adequate public facilities are available or can be made available at the time of development, and if necessary that the developer has proposed adequate and equitable improvements and expansions to the facilities to bring the facilities and services up to an acceptable capacity level.

FINDING: "Public facilities" for this criterion are understood by staff to include: water, sewer, transportation, police.

Water: Water is provided in this area by the City of La Pine. The City's Public Works manager has confirmed that there is adequate capacity in the water system to serve the proposed development.

Sewer: Per the City Engineer, the Industrial Park lift station is nearing capacity and will require a replacement to provide capacity to development in the project area. The cost to replace the Industrial Park Lift station is \$637,000. The total number of Equivalent Dwelling Units anticipated at build out in the basin are 1,120. Therefore, the development shall contribute \$568.75 for each EDU toward a fund for replacement of the Industrial Park lift station. This fee must be submitted prior to release of building permits. This will be a condition of approval prior to issuance of building permits for each lot.

Additionally, Sewer mains and sewer infrastructure shall be constructed in accordance with City of La Pine Public Works Standards. Sewer main lines shall be minimum 8" diameter.

Every lot must be served by a septic tank. Tanks shall be sized according to flow per criteria published in OAR 340-71-220(3). Minimum tank capacity shall be 1000 gal. Septic tanks shall remain the property of the landowner and shall be maintained and pumped by the landowner.

Per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage, and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.

Transportation: The proposed tentative plan includes several new streets to serve the development. The design of these streets and extension of existing streets is discussed in detail herein and several conditions are required to comply with City transportation standards.

Police: The subject property is within the Deschutes County Sheriff's service area and it is staff's understanding that the City's agreement with the Sheriff's department, as well as funding mechanisms, are still valid and viable.

5. The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this Code and the Comprehensive Plan.

FINDING: The Applicant notes that "there are no significant archaeological, natural, historic or unique resources on the property." Staff is not aware of anything to the contrary. As such, unless proven otherwise, this criterion is not applicable.

6. The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a six mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (ORS 92.090)

FINDING: The Applicant notes that the proposed name "Evans Way Estates" is unique. Prior to submittal of final plat, Applicant shall submit the proposed name to the County Surveyor for review and approval.

7. The streets and roads are laid out so as to conform to an adopted Transportation System Plan for the area, and to the plats of subdivisions and maps of major partitions already

approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.

FINDING: The City's adopted Transportation System Plan does not include specific roadways within the subject property, however, the proposed subdivision plans for the extension of certain streets that currently dead end in abutting subdivisions, which is discussed, with compliance demonstrated in several other sections herein.

8. Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.

FINDING: The proposed streets include right of way dedications to the public for the full local street width (64 feet), without reservation or restriction, in compliance with this requirement. No private streets are proposed.

9. Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.

FINDING: No specific measurable adverse impacts to neighboring properties have been identified, however, the conditions of approval of this decision include contributions for transportation and sewer improvements necessary to serve the proposed development.

10. Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.

FINDING: The discussion under 15.406.010(I)(10) addresses access to abutting properties and is copied here for reference:

East: The property to the east, Tax lot 00100, 221014CD is a vacant, 20-acre parcel that is also zoned RSF, and is potentially developable. The submitted tentative plan includes the extension of Bassett Drive and Heath Drive to the eastern property line of the subject parcel, providing future access and connectivity to the vacant parcel to the east. In addition, due to long block lengths, the revised tentative plan includes a multi-use path connection mid-block between Heath Drive and Bassett Drive, to the eastern property line.

West: To the west is the existing subdivision, Huntington Meadows, which is served by existing local streets.

North: To the north of the subject property are two parcels zoned RSF, each developed with a single-family dwelling and each approximately 1.2 acres in size. These properties to the north are served by Anchor Way and Evans Way, which are spaced in accordance with the City's maximum block length requirements.

South: The property to the south is Federal forest-zoned property. The proposed tentative plan does not include any connections to the south. The nearest north-south connection is right-of-way reserved for Preble Way, approximately 635 feet to the west of the subject property's western property line. The absence of a connection to the south eliminates the ability for any future north-south connection

along the entire subject property's southern edge and creates an exceptionally long block. The question for the Planning Commission to consider is:
Is the federal land to the south "developable property" and is a future street extension required per 15.90.070 (D)? If public access is determined to be required to the south, should this be a full street section or a multi-use path for pedestrians/bicyclists?

15.406.020 Final Plat for a Subdivision

A. Submission of final plat.

1. Time requirement.

- a. **Except as otherwise approved in accordance with the approval of a master plan for a subdivision planned for unit or phase development, the subdivider shall, within two years after the date of approval of the tentative plan for a subdivision, prepare and submit the final plat for a subdivision that is in conformance with the tentative plan as approved and with all conditions applicable thereto. The number of copies required shall be as specified on the application form.**

...

FINDING: The Applicant is proposing five phases for this subdivision. The Applicant proposes to file final plat for the first phase within two years of tentative plan approval, and the remaining phases within five years of tentative plan approval.

15.406.040 Subdivisions and PUD Review

- A. **Review of a subdivision or planned unit development shall follow the Type III review procedures set forth in Article 7.**
- B. **Public hearing and notice required. Neither an outline development plan or a tentative plan for a proposed subdivision or PUD may be approved unless the City first advertises and holds a public hearing thereon according to applicable requirement in Article 7.**

FINDING: Review of the proposed subdivision is following the Type III review procedures set forth in Article 7. A hearing was scheduled for October 30, 2019 and as noted herein, was properly noticed through mailings, on site posting, and newspaper notice. The hearing was continued twice, with the final hearing date set for December 3, 2019 at 5:30pm.

Article 9. Land Divisions

- **Chapter 15.418 Processing and Recording Procedures**

15.418.010 Processing and Recording Subdivision and Partition Maps

- A. **Submit one reproducible paper, vellum or mylar map copy to the County Surveyor.**
- B. **Submit closure sheets for the surveyor's certificate and a closure sheet for each lot or parcel created, and a closure sheet for dedicated areas such as roadways or public facility lots.**

- C. Submit the required County Surveyor review fee as appropriate for the subdivision or partition.
- D. Submit a title report for the subdivision.
- E. Submit a post-monumentation certificate stating the intent and completion date and a bonding estimate for all subdivision plats proposed for post-monumentation. The bonding estimate is to be 120% of the estimated actual costs, office and field.
- F. After preliminary initial review of the plat, resubmit the final plat prepared on double matte four mil minimum thickness mylar, with corrections made, to the County Surveyor for final approval and signature.
- G. Remaining approval signatures shall then be executed and the final maps and an exact copy thereof submitted to the County Surveyor for recording into the survey records prior to submittal to the County Clerk for recording. The exact copy shall comply with the requirements of ORS Ch. 92 and other applicable statutes and be submitted on four mil thickness mylar.
- H. The County Surveyor recording fee shall be submitted with the final plat along with any required post- monumentation bond or letter executed by the City Attorney that the bonding requirements are met.
- I. The plat shall then be submitted to the County Clerk along with the required recording fee. After recording information is placed on the exact copy by the County Clerk, the exact copy and the required number of prints showing the recording information shall be submitted to the County Surveyor to complete the process. The number of prints required shall be twelve for a subdivision plat and six prints for a partition unless a greater number is requested by the County Surveyor at initial review.
- J. Copies of the exact copy of the final plat showing the recording information shall also be submitted to the City Planning Official, together with an electronic copy in a format approved by the City. The scale and format of the plans and the number of copies required shall be as specified on the application form.

FINDING: The Applicant shall follow these procedures for all final plat submittals.

V. CONCLUSION AND RECOMMENDATION:

Based on the submitted application materials and the above Findings, Staff recommends that the Applicant has met or can meet with the Conditions of Approval noted herein, the applicable criteria for a Preliminary Plat of a Subdivision in order to divide two parcels with a combined total of 20.56 acres into 61 residential lots, consisting of 5 phases, in the La Pine Residential Single Family Zone (RSF).

Recommended Conditions of Approval:

GENERAL:

1. 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. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
2. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.
3. Clear vision standards be provided for through the development of the Subdivision. Proposed street trees will be omitted in these areas. This standard is typically imposed as an ongoing condition of approval for a tentative plan. Fencing, utilities, landscaping, and other above ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.
4. Accessible crossings must be provided at all intersections within the subdivision.

The east-west multi-use path shall be designed to City standards, with an additional 2 feet unpaved buffer (one foot each side) within a separate tract, or as approved by the City Engineer. The multi-use path shall be an asphalt, concrete or other City-approved durable surface meeting ADA requirements consistent with the applicable City engineering standards.

5. Final plat for the first phase shall be recorded within two years of the tentative plan decision. Final plat for all remaining phases shall be recorded within five years of the tentative plan decision. The phasing plan shall be updated as follows:
 - a. Every phase must include accommodations for an appropriate temporary fire turnaround, if required by the fire code. Temporary turnarounds, with acceptable easements submitted to the City Engineer for review and approval.
 - b. The east-west multi-use path shall be constructed in its entirety prior to final plat of Phase 2. If Riley Road is not yet constructed, the path shall be continued to the existing terminus of Riley Road, as approved by the City Engineer.
 - c. The pavement section of Bassett Drive for the section of the street proposed in Phase 4 must be completed during Phase 3.
6. Prior to sale and/or occupancy of any lot and as a condition of acceptance of the improvements, the Applicant shall submit to the City 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.

7. Per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage, and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.

PRIOR TO FILING OF FINAL PLAT:

1. Applicant shall submit the proposed name to the County Surveyor for review and approval.
2. 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.
3. 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.
4. 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. Construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction.
5. Sidewalks shall be constructed on both sides of Anchor Way, and for the section with reduced right of way (western side), the landscaped area can be reduced by 2 feet of width to accommodate the full sidewalk width.
6. Per the recommendation in the Applicant's submitted traffic report, a pro-rata contribution should be provided toward improvements at the US 97/Finley Butte intersection. Impacts of the new subdivision are approximately 3.6% of the total intersection volume during the weekday p.m. peak hour, or \$518 per residential unit.
7. Sewer mains and sewer infrastructure shall be constructed in accordance with City of La Pine Public Works Standards. Sewer main lines shall be minimum 8" diameter.
8. Street lights shall be installed on the plans and provided at the following locations: Intersections, Mid-block for blocks longer than 400 feet from center of intersection to center of intersection, and at the crosswalks for the multi-use path intersection with both proposed streets. Poles and fixtures shall conform to the power provider standards. Standard Mid State Electric head fixtures shall be used...or as indication in conditions of approval of land use action.

9. As approved by the City Engineer, public improvements must be constructed prior to final plat of each phase, or an approved performance assurance mechanism and associated improvement agreement with specific construction times outlined, may be filed with the City for construction of items not necessary for safety or required connectivity. All such agreements shall be reviewed and approved by the City Engineer and shall be in compliance with LPDC 15.94.020.

PRIOR TO CONSTRUCTION:

1. All construction, landscaping and utility plans shall be reviewed and approved by the City Engineer and Public Works Manager. Permits for sewer and water improvements will not be issued until the Public Works Director has approved all sanitary sewer and water plans for conformance with City standards.
2. Grading and drainage plans and stormwater calculations shall be submitted to the City Engineer for review and approval for compliance with this standard, City Public Works standards and any other applicable standard.
3. Final construction plans shall detail the transition between the new sidewalks and existing sidewalks.

PRIOR TO ISSUANCE OF BUILDING PERMITS:

1. Lots shall comply with coverage and setback requirements (or applicant shall receive approved variances for such).
2. If driveway access permits are required at the time of building permit application, they shall be reviewed and approved prior to release of building permits.
3. The developer, applicant or builder shall contribute \$568.75 per EDU toward a fund for replacement of the Industrial Park lift station.
4. All lots shall be served by sewer and water service and streets shall be constructed/improved as required by this decision and approval of construction plans by the City Engineer.

PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:

1. Every lot must be served by a septic tank. Tanks shall be sized according to flow per criteria published in OAR 340-71-220(3). Minimum tank capacity shall be 1000 gal. Septic tanks shall remain the property of the landowner and shall be maintained and pumped by the landowner.



**PUBLIC RECORD REPORT
FOR NEW SUBDIVISION
OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF THE FOLLOWING CUSTOMER:

Hallie Development Company
Phone No.: (999)999-9999

Date Prepared: August 20, 2023
Effective Date: August 11, 2023 / 05:00 PM
Charge: \$300.00
Order No.: WT0254754
Reference:

The information contained in this report is furnished to the Customer by Western Title & Escrow Company (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report ("the Report"). Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Deschutes, State of Oregon, and is described as follows:
As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.
- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:
As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof.
- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:
As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.
- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:
As fully set forth on Exhibit "D" attached hereto and by this reference made a part hereof.

Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0254754

EXHIBIT "A"
(Land Description)

Lot 12, EVANS WAY ESTATES PHASE 1, City of La Pine, Deschutes County, Oregon, according to the plat recorded March 28, 2022, Document No. 2022-12883, Deschutes County Records.

Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0254754

EXHIBIT "B"
(Tax Account and Map)

APN/Parcel ID(s) 284869 as well as Tax/Map ID(s) 221014CD00211

Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0254754

EXHIBIT "C"
(Vesting)

424 Lincoln LLC, an Oregon limited liability company

EXHIBIT "D"
(Liens and Encumbrances)

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2023-2024.
2. City Liens, if any, in favor of the City of La Pine.
3. Regulations, levies, liens, assessments, rights of way and easements of La Pine Special Sewer District.
4. Reservation of right of way, including the terms and provisions thereof, as disclosed by instrument,
Recording Date: June 1, 1993
Recording No.: 300-2146
5. Right of way for power transmission line, as disclosed in instrument,
Recording Date: June 1, 1993
Recording No.: 300-2146
6. Easements and Notes as delineated or as offered for dedication on the recorded plat,
Plat: Partition Plat No. 2018-45
Recording Date: December 11, 2018
Recording No: 2018-48789
7. Public utility easements and 40' wide power transmission line easement (Book 300, Page 2146) as shown on the recorded plat:
Plat: Evans Way Estates Phase 1
Recording Date: March 28, 2022
Recording No: 2022-12883

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2022-2023
Amount: \$95.53
Levy Code: 1108
Account No.: 284869
Map No.: 221014CD00211

Please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
2. **Liability of Company.**
 - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
 - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
 - (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

Western Title & Escrow Company
Public Record Report for New Subdivision or Land Partition
Order No. WT0254754

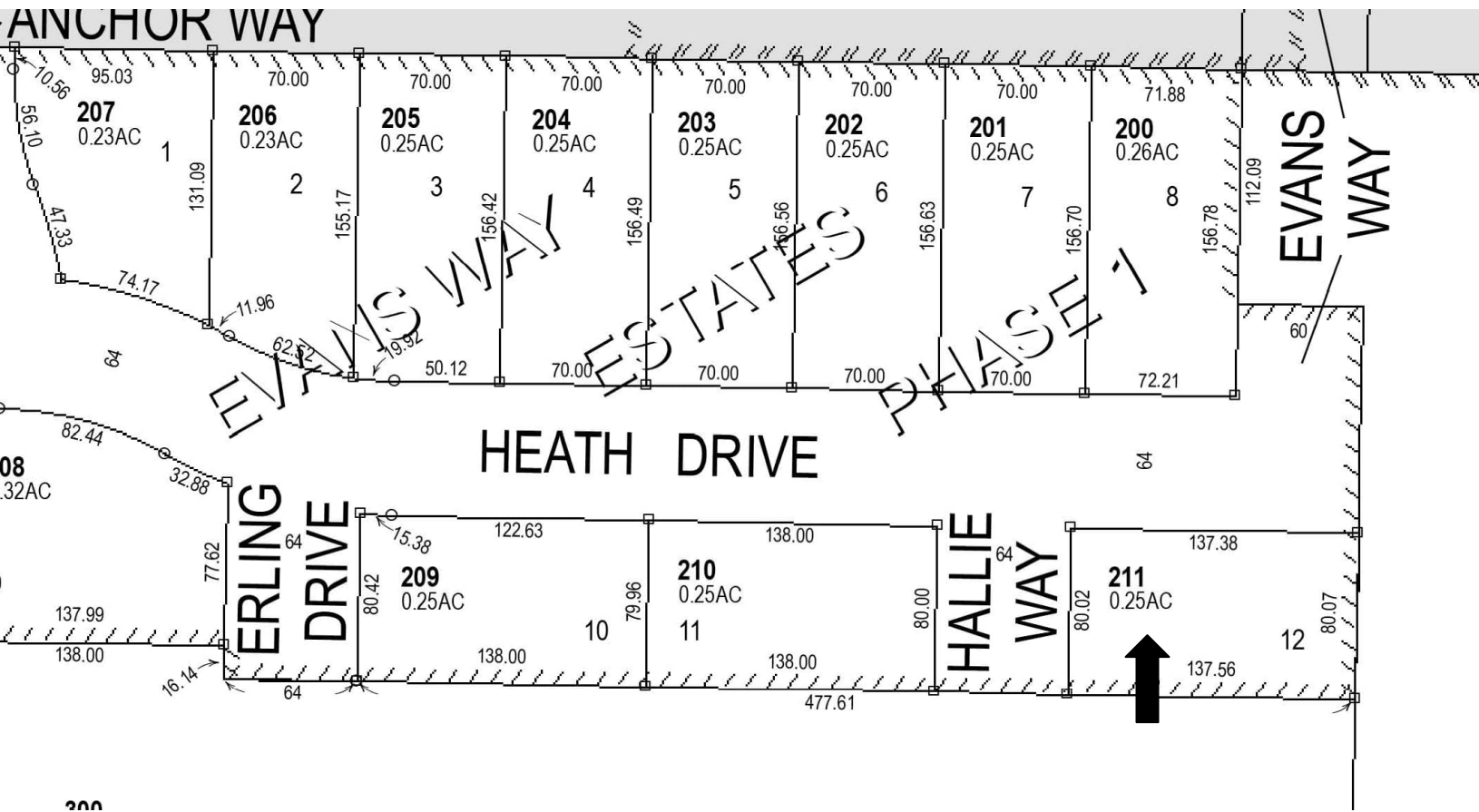
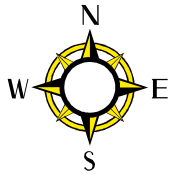
IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

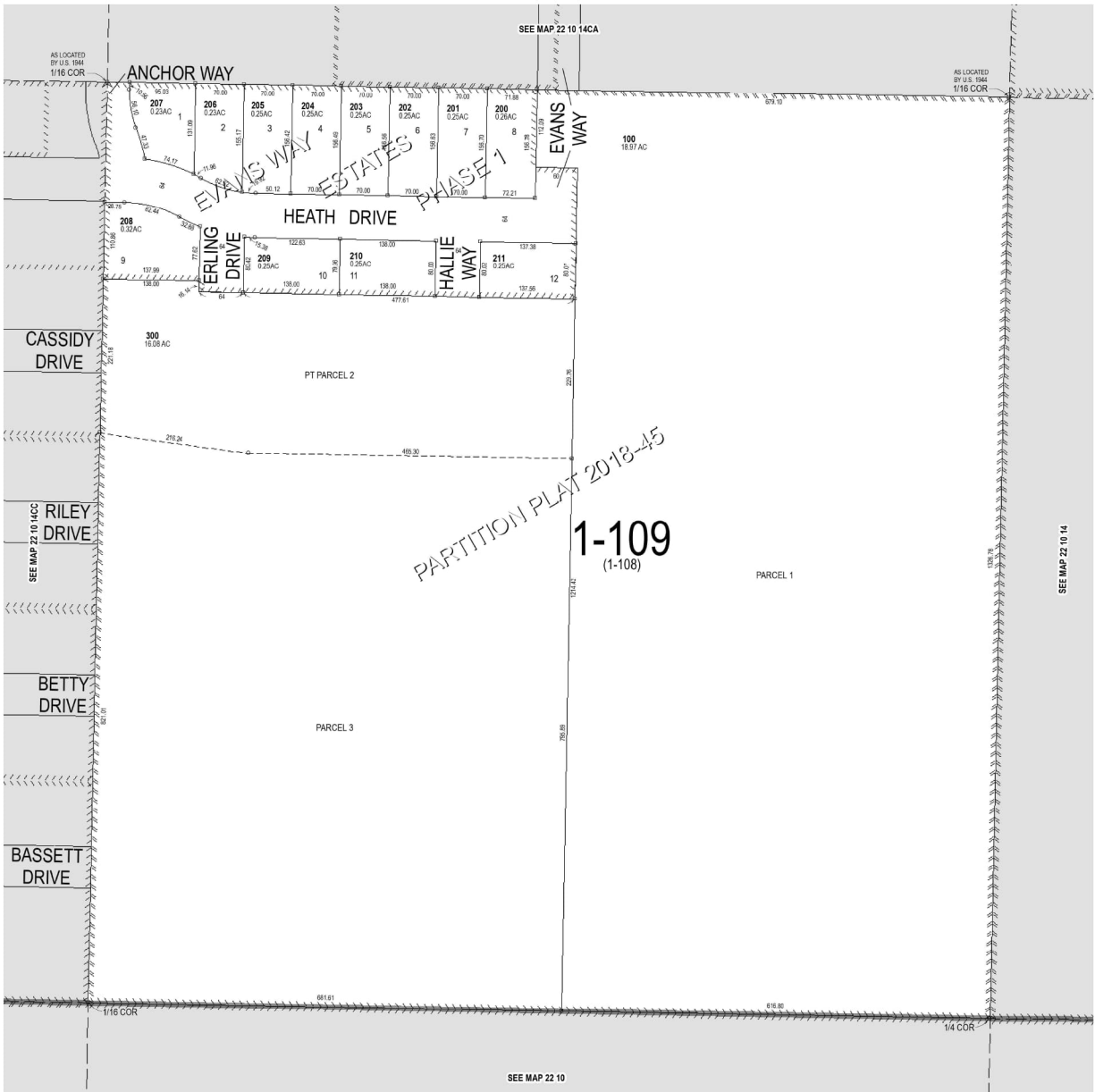


THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

4/19/2022

S. E. 1/4 S. W. 1/4 SEC. 14 T. 22S. R. 10E. W. M.
DESCHUTES COUNTY
1" = 100'

22 10 14CD



22 10 14CD