



**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

Hallie Development

Applicant Name Company Hallie Development      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 Nils OR Homes LLC      Phone \_\_\_\_\_      Fax \_\_\_\_\_

Address PO Box 449      City Lincoln City      State OR      Zip Code 97367

Email \_\_\_\_\_

### PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, general area) \_\_\_\_\_  
51310 Huntington Road  
51285 Erling Drive

---

Tax lot number ~~T-15~~ ~~R-13~~ Section \_\_\_\_\_ Tax Lot(s) 221014CB03000

Zoning CRMX      Total Land Area \_\_\_\_\_ (Square Ft.) 1.02 (Acres)

Present Land Use duplex

---



**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 = 7,347 square feet
- Parcel 2 = 36,598 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](mailto: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: 10/27/23  
 Signature

Applicant: *PBurger* Date: 1/11/2024  
 Signature

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

RECORDED BY WESTERN TITLE AS AN  
ACCOMMODATION ONLY.  
No liability is accepted for the condition  
of title or validity, sufficiency, or effect  
of this document.

After Recording, Return To:

Nils OR HOMES LLC  
PO Box 449  
Lincoln City OR 97367

Send Tax Statements To:

Nils OR HOMES LLC  
PO Box 449  
Lincoln City OR 97367

Property Account No. 115038  
Map and Taxlot No. 22-10-14-CB-03000  
Property Account No. 115039  
Map and Taxlot No. 22-10-14-CB-02900

Deschutes County Official Records	<b>2023-15787</b>
<b>D-D</b>	<b>06/28/2023 03:19 PM</b>
Stn=1 BN	
\$15.00 \$11.00 \$10.00 \$61.00 \$6.00	<b>\$123.00</b>
\$20.00	
I, Steve Dennison, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Official Records.	
Steve Dennison - County Clerk	

## STATUTORY SPECIAL WARRANTY DEED

Hallie Farms LLC, an Oregon limited liability company, Grantor, conveys and warrants to NILS OR HOMES LLC, a Nevada limited liability company, Grantee, the following described real property located in Deschutes County, Oregon, free of encumbrances created or suffered by Grantor except as specifically set forth herein:

### PARCEL I

The South Half (S1/2) of Government Lot 55, sometimes referred to as the South Half of Lot 55 of LAPINE HOMESITE TRACTS, in the Northwest Quarter of the Southwest Quarter (NW 3/4 SW 1/4) of Section 14 Township 22 South, Range 10, East of the Willamette Meridian, being approximately 82.5 feet North and South, and approximately 262.69 feet East and West, all according to the plat of the Government Subdivision on file in the office of the United States Department of the Interior, located in the County of Deschutes, State of Oregon.

### PARCEL II

Lot 56, in Section 14, Township 22 South, Range 10 East of the Willamette Meridian, Deschutes County, Oregon.

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

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) 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 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), 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 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) 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.

Consideration to correct vesting.

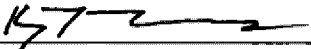
DATED this 26 day of June 26, 2023.

HALLIE FARMS LLC  
An Oregon Limited Liability Company

By Its Sole Member:  
NILS US HOLDINGS LLC  
A Nevada limited liability company

By Its Manager:  
KAIZEN ASSET MANAGEMENT LLC  
A Delaware limited liability company

By Its Manager:  
MOUNT BACHELOR VILLAGE CORPORATION  
An Oregon corporation

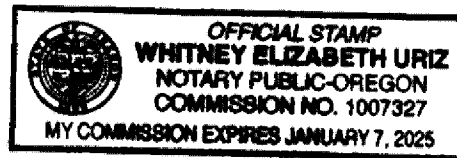
By:   
Kyle Murphy, President

STATE OF OREGON                    )  
  ) ss.  
COUNTY OF Deschutes        )

I certify that I know or have satisfactory evidence that KYLE MURPHY is the person who appeared before me and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the President of MOUNT BACHELOR VILLAGE CORPORATION, an Oregon corporation, Manager of KAIZEN ASSET MANAGEMENT LLC, a Delaware limited liability company, Manager of NILS US HOLDINGS LLC, a Nevada limited liability company, Sole Member of HALLIE FARMS LLC, an Oregon limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 26<sup>th</sup> day of June, 2023.

Whitney Uriz  
Typed/Printed Name Whitney Uriz  
NOTARY PUBLIC  
In and for the State of Oregon  
My appointment expires 01-07-2025



**Burden of Proof Statement**  
**City of La Pine – Minor Partition**  
*51310 Huntington Road*

**Applicant:** Hallie Development Company  
Paul Burger  
19717 Mt Bachelor Drive  
Bend, OR 97702

**Owner:** Nils OR Homes LLC  
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:** 51310 Huntington Road  
221014CB03000

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

- Parcel 1 = 7,347 square feet
- Parcel 2 = 36,598 square feet

**I. Applicable Criteria and Procedures:**

---

1. City of La Pine Development Code

- ARTICLE 3 – ZONING DISTRICTS
  - Chapter 15.22 – Commercial and Mixed-Use
- 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

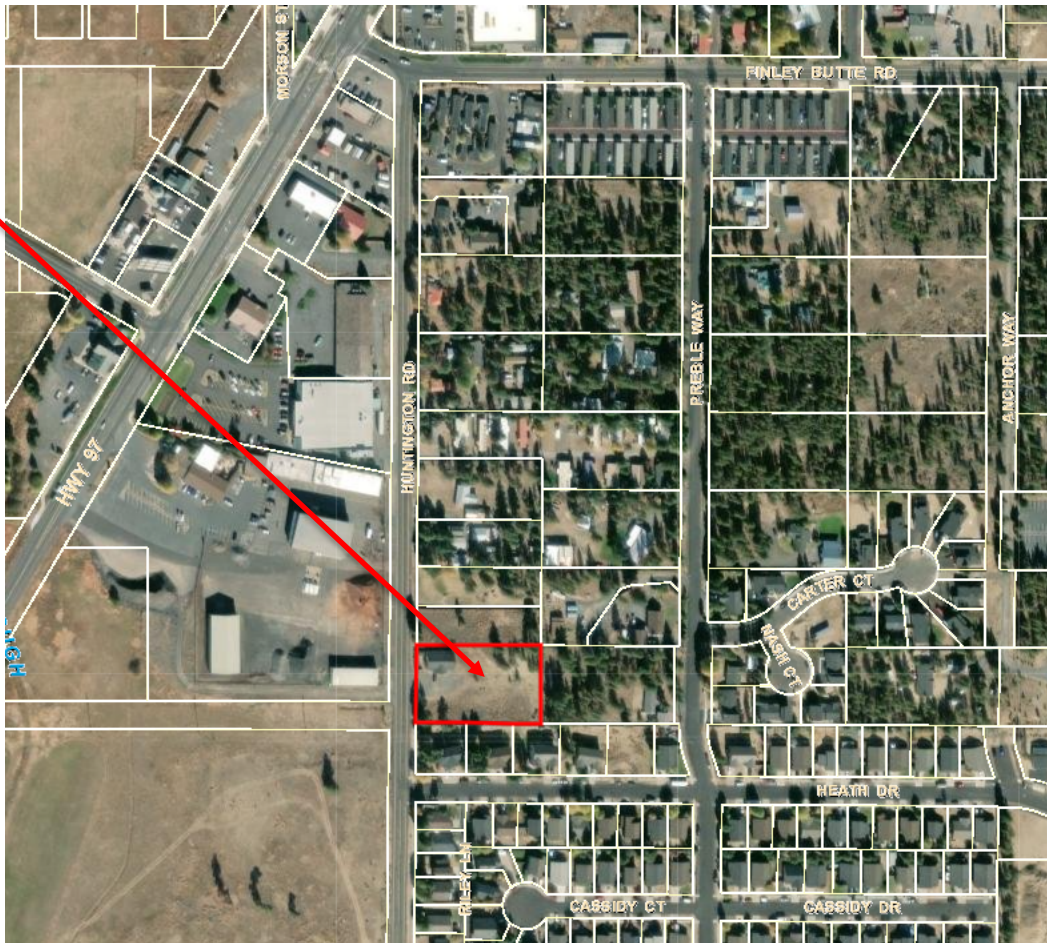


- ARTICLE 9 – LAND DIVISIONS
  - Chapter 15.402 – General Provisions
  - Chapter 15.410 – Land Partitions
  - Chapter 15.418 – Processing and Recording Procedures

## II. General Facts:

---

1. **LOCATION:** The property is located in the southern portion of the City of La Pine, approximately .2 of a mile east of Hwy 97 and .25 of a mile south of Finley Butte Road. The site address is 51310 Huntington Road, and is further identified as Deschutes County Tax Assessors Map and lot 221014CB03000.





**2. ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:** The subject property is designated Commercial/Residential Mixed Use Zone (CRMX) on both the Comprehensive Plan and Zoning maps.

**3. SITE DESCRIPTION AND SURROUNDING DEVELOPMENT:** The property is 1.10 acres in size, rectangular in shape, and generally level. It is developed with a duplex. Water and sewer laterals have been extended to the property, and the abutting Huntington Road right-of-way is approximately 60 feet wide and developed with approximately 28 feet of asphalt. A sidewalk has been extended to the southern property line.

Surrounding properties to the north and east are similarly zoned (Commercial / Residential Mixed Use Zone (CRMX) and primarily developed with single-family homes on larger lots. Properties to the south are zoned Residential Single Family / RSF and developed with single family homes on smaller urban lots, while properties to the west are zoned Residential Multi-Family (RMF) and vacant and/or partially developed with Deschutes County uses.

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

- Parcel 1 = 7,347 square feet
- Parcel 2 = 36,598 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

### III. Compliance with Article 3 – Zoning Districts:

---

#### CHAPTER 15.22. - COMMERCIAL AND MIXED-USE ZONES

##### Sec. 15.22.100. - Purpose.

[Chapter 15.22](#) regulates allowed land uses ("uses") and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development in the commercial and mixed-use zones. The regulations of this chapter are intended to implement the city comprehensive plan.

##### Sec. 15.22.200. - Characteristics of the commercial and mixed-use zones.

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

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

**Applicant Response:** The property is is zoned Commercial/Residential Mixed Use Zone (CRMX). The property will provide land to accommodate the existing development (Parcel 1) and it will deliver (Parcel 2) developable land for CRMX intended purposes, consistent with the provisions of this section.

##### Sec. 15.22.300. - Use regulations.

Uses may be designated as permitted, limited, conditional, or prohibited in the commercial and mixed-use zones. As noted in Table 15.22-1, a use may also be subject to special use standards of [article 6](#).

**A. Permitted uses (P).** Uses allowed outright in the commercial and mixed-use zones are listed in Table 15.22-1 with a "P." In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to [chapter 15.316](#), conditional uses....

**Applicant Response:** The applicant is proposing parcels that are sized and designed to accommodate the existing duplex (Parcel 1), along with a variety of the uses that are allowed in the CRMX zone (Parcel 2). Uses that are allowed in the CRMX Zone are identified in Table 15.22-1. The current development is for a land division, no new uses are proposed. Any new uses would be reviewed with subsequent development application reviews.

**Sec. 15.22.400. - Development standards.**

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

**B. Development standards.** The development standards for commercial and mixed-use zones are presented in Table 15.22-2. Development standards may be modified as provided by [chapter 15.320](#), variances. Additional standards may apply to specific zones or uses, see [section 15.22.500](#).

<i>Table 15.22-2. Development Standards in the Commercial and Mixed-Use Zones</i>				
<i>Standard</i>	<i>C</i>	<i>CRMX</i>	<i>CMX</i>	<i>CN</i>
Minimum lot width	None	None	None	25 feet
Minimum setbacks	—	—	—	—
- Front or street-side yard	20 feet	20 feet	20 feet	20 feet
- Side yard	None	10 feet; None for townhomes	10 feet; None for townhomes	10 feet; None for townhomes
- Rear yard	None	10 feet	10 feet	15 feet
Maximum building height	70 feet	45 feet	45 feet	45 feet
Maximum lot coverage	80%	60%	60%	50%
Minimum landscaped area	See <a href="#">15.18.500</a> and <a href="#">chapter 15.82</a>			
Minimum and maximum density	Residential and mixed-use developments are subject to the minimum and maximum density standards of the RMF zone (see <a href="#">section 15.18.500</a> ).			



**Applicant Response:** Given that the property is developed with a duplex home, building height and landscaping do not apply to this land division. The only standards of this section that apply to the land division include lot width, setbacks (for the existing buildings to the new property lines), lot coverage, landscape area, and density.

Minimum Lot Width – The CRMX Zone does not have a minimum lot width standard. As depicted on the Tentative Plan, Parcel 1 is proposed to have a width of 84.35 feet and Parcel 2 will have a width of 165.92 feet for the majority of the property and 81.57 feet along the Huntington Road frontage.

Minimum Front Yard Setback – The CRMX Zone has a minimum front yard setback requirement of 20 feet. The proposed land division does not impact the distance that any building is located from a front property line.

Minimum Side Yard Setback – The CRMX Zone has a minimum side yard setback requirement of 10 feet. As depicted on the Tentative Plan, with the proposed new property lines, the existing structure on the new Parcel 1 will be located 30 feet from the new side (southern) property line and therefore conforms to the applicable side yard setback requirements.

Minimum Rear Yard Setback – The CRMX Zone has a minimum rear yard setback of 10 feet. As depicted on the Tentative Plan, with the proposed new property lines, the existing structure on new Parcel 1 will be located 10 feet from the no new eastern (rear) property line and therefore conforms to the applicable rear yard setback requirements.

Lot Coverage – The existing structure will be located on Parcel 1. Deschutes County DIAL indicates that the existing structures on the property total 1,866 square feet. Parcel 1 will be 7,347 square feet in size, resulting in a lot coverage calculation of 25%. The proposed lot coverage is well less than 60% and in conformance with the standards of this section.

Density – The density standards that apply to the property are a minimum of 5 units per acre and a maximum of 40 units per acre. Parcel 1 is and will continue to be developed with a duplex. The proposal will result in 2 dwelling units on 7,347 square feet (.17 acre) of land, which calculates to 11.76 units per acre and is within the allowable range. Regarding Parcel 2, this property is vacant. The property is sized and located such that it could accommodate the required density when developed. Density will be established on Parcel 2 with any future development applications.

#### **Sec. 15.22.500. - Additional standards.**

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

**Applicant Response:** The property is not a corner lot; therefore this standard is not applicable.

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

**C. *Screening requirements.***

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

**2. *Outdoor storage.*** All areas of a site containing or proposed to contain outdoor storage of materials, equipment, and vehicles, and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See additional buffering and fence standards in [article 5](#).

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

**Applicant Response:** The standards of this section apply to development, and they primarily apply to commercial development. The current proposal is for the division of land whereupon a duplex exists. The current proposal does not include site development; therefore these standards do not apply.

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

proposed plan of access driveways and entrances. See additional access and circulation standards in [article 5](#).

**Applicant Response:** The proposal does not modify any existing access point, nor does it propose any new access points. Any new access would be reviewed in association with an application for new development.

**E. Emissions.** No use shall emit any noxious, toxic, or corrosive fumes or gases nor shall it emit any offensive odors.

**F. Noise.** All uses shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.

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

**Applicant Response:** The proposal is for the division of land, consistent with the Development Code standards. No new uses or structures are reviewed with this land division application, thus the proposal will not result in any new emissions, noises or lighting. The land division will accommodate the existing residential use Parcel 1, along with CRMX permitted uses on Parcel 2. The uses that will ultimately be developed on the lots are allowed by the Code and similar to other uses in the area. By conforming with Code standards (which will be reviewed with subsequent development / building permit applications) future development will not generate any emissions, noise or lighting that would be uncommon or unexpected with a permitted/allowed residential use.

## **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 and the only existing development is an approved duplex, which is not subject to 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 and all parking that exists to serve the development will be located on Parcel 1 (with the existing duplex). The proposal 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. New 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.** [L] [SEP]

**Applicant Response:** The partition is within a partially developed area, with street improvements, a sanitary sewer main, a water main, electric, telephone and cable television lines necessary to serve the properties. The abutting right-of-way does not contain curbs or sidewalks. The proposed design maintains all of the services to serve Parcel 1, however given that Parcel 2 will be relatively large and will likely accommodate development that will necessitate future Site Plan review, the applicant proposes to withhold right-of-way improvements (including with water and sewer laterals), until the time of future development, when the exact size and location of said services are known.

- 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.** [L] [SEP]

**Applicant Response:** The surrounding area is served by existing water and sewer mains that are located with the abutting Huntington Road right-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.** [L] [SEP]

**Applicant Response:** The partition is within a partially developed area, with partial street improvements. The abutting Huntington Road right-of-way does not contain curbs or sidewalks. Given that Parcel 2 will be relatively large and will likely accommodate development that necessitates future Site Plan review, the applicant proposes to withhold right-of-way improvements, until the time of future development, when the exact size and location of said services are known. Given that this standard establishes that street improvements “may” be required (permissive but not required) and given that required improvements could be required of future development, it is appropriate to allow street improvements and site improvements to occur at the same time, which would forgo damages to newly installed infrastructure (if otherwise provided with the land division).

- 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.** [L]  
[SEP]

**Applicant Response:** The property abuts a full street (Huntington Road); 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.** [L]  
[SEP]

**Applicant Response:** Water and sewer mains are located within the abutting Huntington Road right-of-way. Parcel 1 is provided with services and given that Parcel 2 will be relatively large and will likely accommodate development that necessitate future Site Plan review, the applicant proposes to withhold water and sewer lateral improvements, until the time of future development, when the exact size and location of said services are known.

With future development, the applicant proposes to extended water and sewer lateral connections to Parcel 2 in conformance with City Standards. Pursuant to this section, it is expected that future permits on Parcel 2 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.** [L]  
[SEP]

**Applicant Response:** Through pre-submittal correspondence, the City has not raised any issues related to available capacity. Further consideration of capacity 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:** All existing impervious areas will be on Parcel 1, which will be 7,347 square feet in size and sufficiently sized to accommodate run off from the minimal amount of existing development on the parcel. The proposed land division will not result in any new impervious areas that necessitate stormwater treatment. The applicant recognizes that future development will be required to meet the standards related to stormwater retention. Future review(s) 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. [SEP]

**Applicant Response:** The applicant has coordinated with all utility providers and has confirmation that they can serve the new parcels. With future development, new utilities will 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. [SEP]
  2. The City reserves the right to approve the location of all surface-mounted facilities. [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. [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. [L] [SEP]

**Applicant Response:** The subject property is located within a partially developed area of La Pine that provides adequate and safe circulation for the existing development. No new site development is proposed on the new parcels; 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:** The property is located in an area of La Pine that has been established 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, Huntington Road extends along the property frontage to the west, 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.** [SEP]

**Applicant Response:** The proposed partition will be served by the existing and abutting roadway to the west (Huntington Road). The abutting street is classified as an Arterial, however the entire corridor is developed within approximately 60 feet of right-of-way,

Regarding improvements and/or upgrades to Huntington Road. It is anticipated that Parcel 2 will be developed in the future. In the event curbs, sidewalks and/or other improvements were to be install at this time, it is likely that future development of Parcel 2 would damage the improvements. As such, the applicant proposes to forgo street, curb and sidewalk improvements at this time and instead, install them with the future development of Parcel 2.

**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:** The frontage of the property is not developed with sidewalks. It is anticipated that Parcel 2 will be developed in the future. In the event sidewalks were to be install at this time, it is likely that future development of Parcel 2 would damage the improvements. As such, the applicant proposes to forgo sidewalk improvements at this time and instead, install them with the future development or Parcel 2.

**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.** [L] [SEP]

**Applicant Response:** No new streets or bike lanes are needed to accommodate the Partition. Furthermore, while the abutting street is an arterial, the corridor is not developed with a bike lane, and the installation of a bike lane along a single property would be inefficient development. Instead, it is appropriate to install a bike lane along the entire corridor as a larger City project.

**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.** [L] [SEP]

**Applicant Response:** While the property abuts an arterial street, the area is designed with a street grid, such that a marginal access street would not be possible.

**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 that has existing street right-of-way; the proposal does not modify the existing street alignment,



intersection angles, curves, grades or names; therefore the standards of these sections do not apply.

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

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

**R. Traffic control signs. Traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.** [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 that does not include alleys. 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:** The frontage of the property is not developed with curbs. It is anticipated that Parcel 2 will be developed in the future. In the event curbs were to be installed at this time, it is likely that future development of Parcel 2 would damage the improvements. As such, the applicant proposes to forgo curb improvements at this time and instead, install them with the future development or Parcel 2.

**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:** Street lights are generally provided at the intersection of 2

streets. The property is not located at the intersection of 2 streets; therefore this standard is not applicable to the current partition request.

- 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 association with future development, 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 areas are planned with this Partition Application. Stormwater design and construction will occur with the future development / redevelopment of the Parcel 2 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. [L]  
[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:** The partition will be served by the existing and abutting roadway (Huntington Road). The abutting street is classified as an arterial street, however the

entire corridor is constructed within approximately 60 feet of right-of-way. Expanding the right-of-way along this one property and/or making improvements only along this one property would be impractical and inefficient at this time.

Regarding improvements and/or upgrades to Huntington Way. It is anticipated that Parcel 2 will be developed in the future. In the event curbs, sidewalks and/or other improvements were to be install at this time, it is likely that future development of Parcel 2 would damage the improvements. As such, the applicant proposes to forgo street, curb and sidewalk improvements at this time and instead, install them with the future development or Parcel 2, which can be permitted by this section.

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

**Applicant Response:** The surrounding area is developed with a block length and perimeter. The currently proposed minor partition will utilize the existing street grid and it does not establish the need or opportunity for any changes to the approved/existing block length and/or perimeter of 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. <sup>[L]</sup><sub>[SEP]</sub>

**Applicant Response:** A comprehensive review of the lot size requirements of the CMRX Zone 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.** [L] [SEP]

**Applicant Response:** As shown on the Plan Set, Parcel 1 is proposed to have 84.35 feet of frontage on Huntington Road and Parcel 2 is proposed to have 81.57 feet of frontage on Huntington Road. 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.** [L] [SEP]

**Applicant Response:** One new property line will be a side property line for Parcels 1 and 2. As detailed on the Tentative Plan, the new east/west side property line will be at a right angle to Huntington Road, which conforms to this standard.

- 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.** [L] [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 (south of the site) 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, with future development of Parcel 2, a sidewalk will be established along the frontage. 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.** [SEP]

**Applicant Response:** Parcel 1 of the partition will be served by the existing services. Regarding water and sewer improvements to Parcel 2, it is anticipated that Parcel 2 will be developed in the future. Knowing what and where development will occur on the parcel (which will occur with Site Plan review) will direct the size and location of needed connections. As such, the applicant proposes to forgo water and sewer lateral improvements at this time and instead, install them with the future development on Parcel 2, which can be permitted by this section.

#### **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 [SEP] notify the property owner as soon as the City Council authorizes the transaction to proceed.** [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.** [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:** Parcel 1 is proposed to be served by the existing services, and the extension of sewer and water laterals to serve Parcel 2 will occur with future development of that parcel. With future development, 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:** Street improvements, along with the extension of water and sewer laterals to serve Parcel 2, will occur with future development or Parcel 2. It is anticipated that these improvements will be reviewed and approved prior to installation. The applicant plans to comply with the provisions of this section, when and 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:** With the future development on Parcel 2, 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 specific required procedural provisions. The applicant anticipates that the applicable procedures of this section will be followed by City Staff. The procedures of this section 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 project includes only one application; 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.

#### **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 CRMX 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 CRMX zone. Existing services will accommodate Parcel 1 and it is anticipated that the future development of Parcel 2 will require Site Plan review. Water and sewer design and installation can occur with future development, so that size and location of services are proper for the ultimate development. At time of development, 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 CRMX zone, 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 right-of-way. Based on the ability to provide water and sewer service to each parcel with future development, 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 right-of-way includes 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 CRMX 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 <sup>1</sup><sub>SEP</sub> 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. <sup>1</sup><sub>SEP</sub>**
- 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. <sup>1</sup><sub>SEP</sub>**
- C. A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision. <sup>1</sup><sub>SEP</sub>**

**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.** 

**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.

# PROPOSED PARTITION

LOCATED IN THE N.W. 1/4 OF THE S.W. 1/4 SECTION 14 TOWNSHIP 22S RANGE 10 E.W.M.  
DESCHUTES COUNTY, OREGON.

## RECORDING NOTE:

THIS SHEET IS SHOWN FOR REFERENCE ONLY FOR THE PARTITION APPLICATION. PARTITION TO BE RECORDED SEPARATELY WITH DESCHUTES COUNTY THROUGH STANDARD RECORDING PROCEDURES.

## LEGEND

EXISTING WATER LINE	
EXISTING SEWER LINE	
EXISTING LOT LINE	
PROPOSED LOT LINE	
EXISTING HYDRANT	
EXISTING MONUMENT	
PROPOSED MONUMENT	

## PROJECT DATA

OWNER/APPLICANT: NILS OR HOMES LLC  
PO BOX 449  
LINCOLN CITY, OR 97367

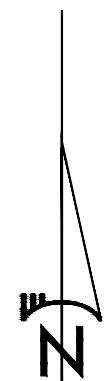
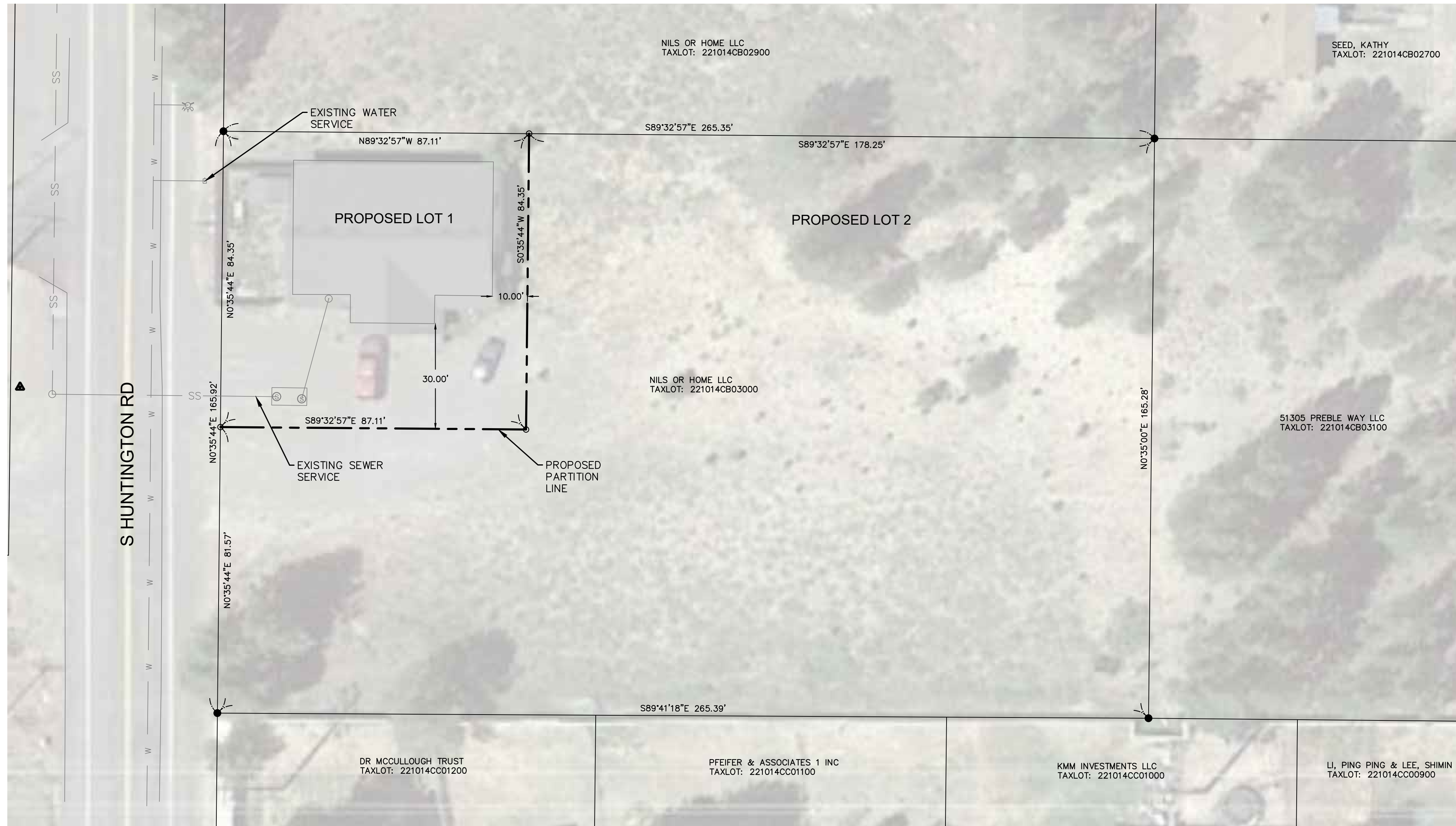
SURVEYOR: ERIK HUFFMAN, PE, PLS  
BECON CIVIL ENGINEERING & LAND SURVEYING  
549 SW MILLVIEW WAY, SUITE 100  
BEND, OR 97702

CURRENT ZONING: CRMX  
TAX LOT: 221014CB03000  
CURRENT USE: SINGLE FAMILY

	LOT NUMBER	EXISTING	PROPOSED
LOT AREAS:	1	43,945 SF	7,347 SF
	2	0 SF	36,598 SF
FRONT SETBACK:	15'		
REAR SETBACK:	10'		
SIDE SETBACK:	10'		
GARAGE SETBACK:	20'		
MAX LOT COVERAGE:	60%		
MAX BUILDING HEIGHT:	45'		

## UTILITY NOTE:

CITY OF LA PINE WATER AND SEWER SERVICES TO BE INSTALLED FOR PROPOSED LOT 2 AT THE TIME OF SITE DEVELOPMENT.



## PROPOSED PARTITION

1" = 20'



HALLIE DEVELOPMENT CO  
51310 HUNTINGTON RD  
PROPOSED PARTITION  
CITY OF LA PINE, DESCHUTES COUNTY, OREGON



REVISIONS:

1.	2.	3.
----	----	----

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

**BECON**  
CIVIL ENGINEERING  
& LAND SURVEYING

DESIGNED BY: TRM  
DRAWN BY: BECON  
SCALE: 1"=20'  
FILE: 23097  
DATE: 10/09/2023

VERIFY SCALES  
0 1"  
BAR EQUALS ONE INCH  
ON ORIGINAL DRAWING

SHEET: C1.0

1 OF 1

PERMIT# TBD

PLANNING SET



**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: October 27, 2023  
Effective Date: October 20, 2023 / 05:00 PM  
Charge: \$300.00  
Order No.: WT0257127  
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. WT0257127

**EXHIBIT "A"**  
**(Land Description)**

PARCEL I

The South Half (S1/2) of Government Lot 55, sometimes referred to as the South Half of Lot 55 of LA PINE HOMESITE TRACTS, in the Northwest Quarter of the Southwest Quarter (NW1/4 SW1/4) of Section 14 Township 22 South, Range 10, East of the Willamette Meridian, being approximately 82.5 feet North and South, and approximately 262.69 feet East and West, all according to the plat of the Government Subdivision on file in the office of the United States Department of the Interior, located in the County of Deschutes, State of Oregon.

PARCEL II

Lot 56, in Section 14, Township 22 South, Range 10 East of the Willamette Meridian, Deschutes County, Oregon.

Western Title & Escrow Company  
Public Record Report for New Subdivision or Land Partition  
Order No. WT0257127

**EXHIBIT "B"**  
**(Tax Account and Map)**

APN/Parcel ID(s) 115038 and 115039 as well as Tax/Map ID(s) 22-10-14-CB-03000 and 22-10-14-CB-02900



Western Title & Escrow Company  
Public Record Report for New Subdivision or Land Partition  
Order No. WT0257127

**EXHIBIT "C"**  
**(Vesting)**

Nils OR Homes LLC, a Nevada limited liability company

**EXHIBIT "D"**  
**(Liens and Encumbrances)**

1. Unpaid Property Taxes are as follows:

Fiscal Year: 2023-2024  
Amount: \$3,331.36, plus interest, if any  
Levy Code: 1109  
Account No.: 115038  
Map No.: 221014CB03000

Unpaid Property Taxes are as follows:

Fiscal Year: 2023-2024  
Amount: \$363.60, plus interest, if any  
Levy Code: 1109  
Account No.: 115039  
Map No.: 221014CB02900

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

2. Regulations, levies, liens, assessments, rights of way and easements of La Pine Special Sewer District.
3. Rights of the public to any portion of the Land lying within the area commonly known as roads and highways.
4. The existence of roads, railroads, irrigation ditches and canals, telephone, telegraph and power transmission facilities.
5. Covenants, easements, restrictions and reservations contained in the patent,

Recording Date: April 30, 1953  
Recording No.: 104-52  
(Parcel 1)

6. Right of way for roadway and public utility purposes, as disclosed in patent,

Recording Date: April 16, 1955  
Recording No.: 110-95  
(Parcel 2)

7. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: La Pine Special Sewer District  
Recording Date: April 28, 1998  
Recording No: 162-2188  
(Parcel 2)

Western Title & Escrow Company  
Public Record Report for New Subdivision or Land Partition  
Order No. WT0257127

**EXHIBIT "D"**  
**(Liens and Encumbrances)**  
(continued)

8. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: La Pine Special Sewer District  
Recording Date: April 28, 1998  
Recording No: 162-2200  
(Parcel 1)

## 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. WT0257127

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