



## **FINDINGS AND DECISION**

**FILE NUMBER:** 02PA-24

**APPLICANT:** Hallie Development Company  
19717 Mt Bachelor Dr  
Bend, OR 97702

**OWNER:** Nils OR Homes LLC  
PO Box 449  
Lincoln City, OR 97367

**LOCATION:** The subject property is located at 51310 Huntington Road, La Pine, Oregon 97739. The Tax Lot number is 3000 on Deschutes County Assessor's Map 22-10-14CB.

**REQUEST:** The applicant is requesting a two-parcel partition. Parcel 1 will be approx. 7,347 square feet in size and Parcel 2 will be approx. 36,598 square feet in size.

**STAFF CONTACT:** Rachel Vickers, Associate Planner  
Email: [rvickers@lapineoregon.gov](mailto:rvickers@lapineoregon.gov)  
Phone: (541) 280-5680

### **APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:**

City of La Pine Development Code

Article 3. Zoning Districts

Section 15.18, Residential Zones

Article 5. Development Standards

Section 15.80, Development Standards, Generally

Section 15.82, Landscaping, Buffering and Fences

Section 15.86, Parking and Loading

Section 15.88, Access and Circulation

Section 15.94, Improvement Procedures and Guarantees

Article 9. Land Divisions

Section 15.410, Land Partitions

Section 15.418, Processing and Recording Procedures

## II. BASIC FINDINGS

**ZONING:** The subject property is zoned Commercial/Residential Mixed Use with no overlay zones.

**PARCEL SIZE:** The subject property is 1.10-acres in size.

**LOT LEGALITY:** The subject property was created through Warranty Deed Volume 110 Page 395.

**REVIEW PERIOD:** The subject application was submitted and paid for on January 11, 2023, and was deemed complete on February 10, 2024. The 120<sup>th</sup> day on which the City must take final action on this application is June 9, 2024.

**PROPOSAL:** The applicant proposes to partition the subject property into two new parcels (Figure 1). Parcel 1 will be approximately 7,347 square feet and Parcel 2 will be approximately 36, 598 square feet.



Figure 1: Proposed Partition

**EXISTING DEVELOPMENT:** The subject property is currently developed with a duplex in the northwestern corner. The property fronts on Huntington Road to the west and the grade of the property is relatively level with a light covering on native vegetation.

### PERMIT HISTORY:

- SP-00-51/CU-00-116 | Site plan and conditional use permit review for a multifamily dwelling complex which would add 4 additional duplexes to the existing one on property.
- E-02-59 | First extension of SP-00-51/CU-00-116
- E-04-01 | Second extension of SP-00-51/CU-00-116
- E-04-32 | Third extension of SP-00-51/CU-00-116. Staff notes that SP-00-51/CU-00-116 expired and was not built.
- CU-06-106/SP-06-50 | Site plan and conditional use permit review for a multifamily complex consisting of one duplex, 2 4-plexes, and one 5-plex.
- E-09-17 | Second extension of CU-06-106/SP-06-50
- E-10-32 | Third extension of CU-06-106/SP-06-50. Staff notes CU-06-106/SP-06-50 expired and was not built.

### III. AGENCY AND PUBLIC COMMENTS

**PUBLIC AGENCY COMMENTS:** The La Pine Community Development Department sent mailed and electronic notice on February 22, 2024, to several public agencies and received the following comments:

Deschutes County Address Coordinator, Tracy Griffin

Addresses for the two newly created lots parcels will need to reviewed and assigned based on the driveway access points onto the public right-of way.

Erik Huffman, City of La Pine Engineer

1. Prior to final plat approval, applicant shall prepare and design engineered stamped construction plans to construct 6 foot wide concrete sidewalk on Huntington Road project frontage, drainage swales on Huntington Road frontage, street trees at an average of 35 foot spacing, and a new water and sewer service to proposed parcel 2. Construction plans shall be submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Manager. Construction Plans shall also be submitted to Deschutes County Road Department for review.

2. Prior to final plat approval, 9 feet of right-of-way along the entirety of frontage on Huntington Road shall be dedicated to the public on the partition plat map. (60' Existing ROW, 78' TSP ROW Arterial)

3. Prior to final plat approval, at the discretion of the City, as an alternative to construction of sidewalk improvements, the applicant may pay a fee in lieu of construction in the amount equivalent to the cost of the improvements, the cost to be reviewed and approved by the City.

4. Prior to final plat approval, and only for those improvements which are to be constructed and not otherwise paid for separately by fee in lieu, the applicant shall provide the City with a performance bond of 120% of the cost of improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff.

5. At the completion of construction of required improvements, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.

**STAFF COMMENT:** To ensure compliance with the City Engineering comments, the following conditions of approval have been added.

Huntington Road Sidewalk: ***Prior to final plat approval***, applicant shall prepare and design engineered stamped construction plans to construct 6-foot-wide concrete sidewalk on Huntington Road project frontage, drainage swales on Huntington Road frontage, street trees at an average of 35 foot spacing, and a new water and sewer service to proposed parcel 2. Construction plans shall be submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Manager. Construction Plans shall also be submitted to Deschutes County Road Department for review.

Right of Way Dedication: **Prior to final plat approval**, 9 feet of right-of-way along the entirety of frontage on Huntington Road shall be dedicated to the public on the partition plat map. (60' Existing ROW, 78' TSP ROW Arterial).

Fee In Lieu Option: **Prior to final plat approval**, at the discretion of the City, as an alternative to construction of sidewalk improvements, the applicant may pay a fee in lieu of construction in the amount equivalent to the cost of the improvements, the cost to be reviewed and approved by the City.

Performance Bond: **Prior to final plat approval**, and only for those improvements which are to be constructed and not otherwise paid for separately by fee in lieu, the applicant shall provide the City with a performance bond of 120% of the cost of improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff.

Maintenance Surety Bond: **At the completion of construction of required improvements**, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.

The following agencies did not respond to the notice: City of La Pine Public Works Director, City of La Pine City Manager, La Pine Fire Department, Deschutes County Surveyor, and Midstate Electric.

**PUBLIC COMMENTS:** The La Pine Community Development Department mailed notice of the application to all property owners within 100 feet of the subject property on February 22, 2024. No public comments were received.

**IV. FINDINGS OF FACT**

**PART III, CITY OF LA PINE DEVELOPMENT CODE**

**Article 3, Zoning Districts**

**Chapter 15.22 – Commercial and Mixed-Use Zones**

Section 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.***

...

**FINDING:** The subject property is zoned Commercial/Residential Mixed Use, applicable criteria are addressed herein.

Section 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.*
- B. Limited uses (L).** *Uses allowed in the commercial and mixed-use zones subject to limitations are listed in Table 15.22-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.22-1. 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.*
- ....
- C. Conditional uses (CU).** *Uses which are allowed if approved through the conditional use review process are listed in Table 15.22-1 with a "CU." These uses are allowed, provided they comply with the conditional use requirements of chapter 15.316, conditional uses. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote.*
- D. Prohibited uses (N).** *Uses listed in Table 15.22-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of chapter 15.08, non-conforming uses and structures.*

**Table 15.22-1. Use Regulations in the Commercial and Mixed-Use Zones**

<b>Use Category</b>	<b>C</b>	<b>CRMX</b>	<b>CMX</b>	<b>CN</b>	<b>Special Use Standards</b>
<b>Residential Use Categories</b>					
<b>Household Living</b>	-	-	-	-	-
- Single-Family Dwelling	CU	P	P	P	-
- Cottage Cluster Development	P	P	P	P	Section 15.104.050
- Townhome	CU	P	P	P	Section 15.104.020
- Duplex	P	P	P	P	Section 15.104.030
- Multi-Family Development	P	P	P	P	Section 15.104.040
- Manufacture Dwelling	CU	P	P	P	-
- Manufacture Dwelling Park	P	P	P	P	Section 15.104.060
- Accessory Dwelling Unit	P	P	P	P	Section 15.104.010
- Residential Care Home	CU	P	P	P	Section 15.104.080
<b>Group Living</b>	-	-	-	-	-
- Room and Board Facility	CU	CU	CU	CU	-
- Residential Care Facility	P	P	P	P	Section 15.104.080
- Long-Term Care Facility	P	CU	CU	P	-

**FINDING:** The applicant is proposing a two-parcel partition with no further development proposed at this time. Parcel 1 will remain developed with a duplex which is a use permitted outright in the CRMX zone subject to the standards of LPDC Section 15.104.030. Staff notes that the existing duplex will remain in compliance with LPDC Section 15.104.030 after the proposed partition being as that LPDC Section 15.104.030 only applied to corner lots

and therefore is not applicable. Parcel 2 will be undeveloped, and staff finds the parcel will be large enough and oriented as such that future development of uses allowed in the CRMX zone are possible.

Section 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.*

<b>Table 15.22-2. Development Standards in the Commercial and Mixed-Use Zones</b>				
<b>Standard</b>	<b>C</b>	<b>CRMX</b>	<b>CMX</b>	<b>CN</b>
<b>Minimum Lot Width</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>25 feet</b>
<b>Minimum Setbacks</b>	-	-	-	-
<b>- Front or Street-Side Yard</b>	<b>20 feet</b>	<b>20 feet</b>	<b>20 feet</b>	<b>20 feet</b>
<b>- Side Yard</b>	<b>None</b>	<b>10 feet; None for Townhomes</b>	<b>10 feet; None for Townhomes</b>	<b>10 feet; None for Townhomes</b>
<b>- Rear Yard</b>	<b>None</b>	<b>10 feet</b>	<b>10 feet</b>	<b>15 feet</b>
<b>Maximum Building Height</b>	<b>70 feet</b>	<b>45 feet</b>	<b>45 feet</b>	<b>45 feet</b>
<b>Maximum Lot Coverage</b>	<b>80%</b>	<b>60%</b>	<b>60%</b>	<b>50%</b>
<b>Minimum Landscaped Area</b>	<b>See 15.18.500 and Chapter 15.82</b>			
<b>Minimum and Maximum Density</b>	<b>Residential; and mixed-use developments are subject to the minimum and maximum density standards of the RMF zones (see section 15.18.500)</b>			

**FINDING:** Staff addresses each development standard below:

Minimum Lot Width

The CRMX zone has no minimum lot width standard, therefore each parcel will be in compliance with the lot width requirements on Table 15.22-2.

Minimum Setbacks

Parcel 1 will be developed with the existing duplex on the subject property. The duplex will be 10 feet away from the new rear yard line, 30 feet away from the new side yard line. Therefore, the duplex on the subject property will remain in compliance with the setback requirements on Table 15.22-2.

Parcel 2 will be undeveloped, and staff finds the parcel will be large enough to accommodate development that meets the above reference setbacks. Compliance with the setback requirements of Table 15.22-2 will be reviewed once development on Parcel 2 is proposed.

Maximum Building Height

Parcel 1 will be developed with an already existing duplex that was previously reviewed for compliance with the building height requirements of Table 15.22-2. Compliance with the building height requirements of Table 15.22-2 for Parcel 2 will be reviewed once development is proposed.

### Maximum Lot Coverage

Parcel 1 will be approximately 7,347 square feet in size and the existing duplex that will be on the property is 1,866 square feet in size (25%). As Parcel 2 will be undeveloped, compliance with the lot coverage requirements on Table 15.22-2 will be reviewed during development.

### Maximum Landscaped Area

Parcel 1 will be developed with a duplex which requires 25% landscaping which will be met based on the applicant submitted tentative plat. Compliance with the above-referenced landscaping requirements for Parcel 2 will be reviewed once development is proposed.

### Minimum and Maximum Density

The CRMX zone requires a minimum density of 5 units per acre and a maximum density of 40 units per acre. Parcel 1 will be developed with 2 dwelling units and is 0.17 acres in size (11.76 units per acre). Compliance with the above reference density requirements for Parcel 2 will be reviewed once development is proposed.

Staff finds that the requirements of Table 15.22-2 are met or will be met once development is proposed. This criterion is met.

### Section 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.***

**FINDING:** The subject property is not a corner lot; therefore, this criterion 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.***

**FINDING:** Parcel 1 will be developed with a residential use (duplex) and Parcel 2 will remain undeveloped at this time. Continued compliance with this standard will be reviewed once further development is proposed. This criterion is met.

- 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.***

**FINDING:** The applicant's two parcel partition does not include any outdoor activities; therefore, this criterion is met.

- 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.*

**FINDING:** The applicant's two parcel partition does not include the outdoor storage of any materials, equipment, or vehicles. This criterion is not applicable.

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).***

**FINDING:** The applicant's two parcel partition does not include the outdoor display of merchandise for sale. This criterion is not applicable.

- 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.***

**FINDING:** Existing access to the site was reviewed under Deschutes County Permit 247-B45869. Future access to the site will be reviewed for compliance with this criterion once proposed.

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

**FINDING:** The applicant's two parcel partition will not emit any noxious, toxic, or corrosive fumes or gases. This criterion is met.

- 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.***

**FINDING:** Compliance with this criterion will be reviewed once further development on either of the newly created parcels is proposed.

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

**FINDING:** The applicant's proposed two parcel partition does not include any new exterior lighting; therefore, this criterion is not applicable.

## **Article 5, Development Standards**

### **Chapter 15.90, Public Facilities**

#### Section 15.90.010, Public Facility Improvement



***Minor betterment, improvements, replacement or reconstruction of existing public facilities such as sewer and water lines, stormwater drainage facilities, sidewalks and other pedestrian ways or facilities, bikeways and similar public facilities within rights-of-ways and easements for the purposes existing on or before the effective date of this chapter, or on contiguous publicly-owned property designated, intended or utilized to support the facilities, or the facilities that are set forth within an adopted public facilities plan or other capital improvement plan duly adopted on or before the effective date of this ordinance, are exempt from permit requirements, unless specifically set forth otherwise.***

Section 15.90.020, Developer Responsibility for Streets and Other Public Facilities

**A. *Duties of developer. It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.***

**FINDING:** To ensure compliance with this criterion, the following condition of approval has been added.

Duties of Developer: It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.

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

**FINDING:** Comments from the City Engineer did not indicate that any oversizing would be required. This criterion is not applicable.

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

**FINDING:** The City Engineer provided the following comments regarding Huntington Road:

Prior to final plat approval, applicant shall prepare and design engineered stamped construction plans to construct 6 foot wide concrete sidewalk on Huntington Road project frontage, drainage swales on Huntington Road frontage, street trees at an average of 35 foot spacing, and a new water and sewer service to proposed parcel 2. Construction plans shall be submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Manager. Construction Plans shall also be submitted to Deschutes County Road Department for review.

Prior to final plat approval, 9 feet of right-of-way along the entirety of frontage on Huntington Road shall be dedicated to the public on the partition plat map. (60' Existing ROW, 78' TSP ROW Arterial)

These comments have previously been added to the conditions of approval. As conditioned, this criterion is met.

**D. *Half streets. Half streets, while generally not acceptable, may be approved where essential to the***

*reasonable development of a proposed land development, and when the city finds it will be practical to require dedication and improvement of the other half of the street when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved.*

**FINDING:** The applicant's proposal does not include half streets; therefore, this criterion is not applicable.

Section 15.90.030, Sewer and Water

- A. Sewer and water plan approval. Development permits for sewer and water improvements shall not be issued until the public works director has approved all sanitary sewer and water plans in conformance with city standards.**

**FINDING:** To ensure compliance, the following condition of approval has been added.

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

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

**FINDINGS:** Comments from the City Engineer did not indicate that the applicants proposed two parcel partition would not have an effect on the existing water and sewer system, therefore this criterion is not applicable.

Section 15.90.040, Stormwater

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

**FINDING:** To ensure compliance with LPDC Section 15.90.040, the following condition of approval has been added.

Stormwater: **Prior to final plat approval,** the City Engineer must review and approve the drainage facilities on site for compliance with LPDC Section 15.90.040.

Section 15.90.050, Utilities

- A. General provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.**

**FINDING:** To ensure compliance, the following condition of approval has been added.

Utility Responsibility: The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.

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

**FINDING:** To ensure compliance, the following condition of approval has been added.

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

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

**FINDING:** The applicant is not proposing a new subdivision and therefore, these criteria are not applicable.

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

**FINDING:** The applicant's proposal does not include an exception to the undergrounding requirements; therefore, this criterion is not applicable.

Section 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 Development Code.***

- A. *Installation of additional and/or passing lanes, including pedestrian ways and/or bikeways, within a public street or highway right-of-way existing as of the effective date of this chapter, unless such adversely impacts on-street parking capacities and patterns.***

**FINDING:** The applicant's proposal does not include the addition of passing lanes; therefore, this criterion is not applicable.

- B. *Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, and/or no new land parcels result.***

**FINDING:** The applicant's proposal does not include the reconstruction or modification of public roads and highways; therefore, this criterion is not applicable.

- C. *Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time when no longer needed.***

**FINDING:** The applicant's proposal does not include any temporary detours; therefore, this criterion is not applicable.

- D. *Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations, waysides, and, rest areas within a right-of-way existing as of the effective date of this Development Code. In addition, also exempt are contiguous public-owned property utilized to support the operation and maintenance of public roads and highways provided such is not located within a duly designated residential zone, or adjacent to or across the street from a lot or parcel within such a zone.***

**FINDING:** The applicant's proposal does not include the minor betterment of existing public roads and facilities; therefore, this criterion is not applicable.

- E. *The construction, reconstruction, or modification of a public street or highway that is identified as a priority project in a transportation system plan (TSP) or the state transportation improvement plan (STIP) that was duly adopted on or before the effective date of this chapter.***

**FINDING:** The applicant's proposal does not include the construction, reconstruction, nor modification of a road identified as a priority project in the TSP; therefore, this criterion is not applicable.

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

**FINDING:** The applicant's proposal does not include the design, construction, operation, nor maintenance of a tourist-oriented or public-wayside; therefore, this criterion is not applicable.

Section 15.90.070, Design of Streets and Other Public Facilities

- A. *Traffic circulation system. The overall street system shall ensure 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 therefrom affects the overall City of La Pine transportation, will be required to be submitted with the initial land division review application. The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby.***

**FINDING:** Comments from the City Engineer did not identify any needed improvements to the traffic circulation system in relation to intersection angles, grades, tangents, and curves. This criterion is not applicable.

- B. *Street location and pattern. The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:***
  - 1. *Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or***
  - 2. *Conform to a plan for the general area of the development approved by the city to meet***

*a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and*

3. *Conform to the adopted La Pine Transportation System Plan as may be amended.*

**FINDING:** The applicant's proposal does not include any new streets and therefore these criteria are not applicable.

- 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 ten feet wide and shall contain a minimum six-foot-wide paved surface or other all-weather surface approved by the city. Access ways shall be contained within a public right-of-way or public access easement, as required by the city.*

**FINDING:** Comments from the City Engineer did not indicate the need for any new access ways. This criterion is not applicable.

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

**FINDING:** Comments from the City Engineer did not anticipate the need for future street extensions as detailed above. This criterion is not applicable.

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

**FINDING:** Comments from the City Engineer indicated that per the requirements of the La Pine Transportation System Plan 9 feet of right of way dedication on Huntington Road would be required to comply with the above criterion. This requirement has previously been conditioned in this land use decision. As conditioned, this criterion is met.

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

**FINDING:** Comments from the City Engineer indicated that per the requirements of the La Pine Transportation System Plan the following sidewalk improvements would be required:

Prior to final plat approval, applicant shall prepare and design engineered stamped construction plans to construct 6 foot wide concrete sidewalk on Huntington Road project frontage, drainage swales on Huntington Road frontage, street trees at an average of 35 foot spacing, and a new water and sewer service to proposed parcel 2. Construction plans shall be submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Manager. Construction Plans shall also be submitted to Deschutes County Road Department for review.

This requirement has previously been conditioned in this land use decision. As conditioned, this criterion is met.

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

**FINDING:** Comments from the City Engineer did not indicate the need for bike lanes. This criterion is not applicable.

- H. *Culs-de-sac. A cul-de-sac street shall only be used where the city determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable city requirements preclude a street extension. Where the city determines that a cul-de-sac is allowed, all of the following standards shall be met:***
- 1. *The cul-de-sac shall not exceed a length of 400 feet, except where the city through a Type II procedure determines that topographic or other physical constraints of the site require a longer cul-de-sac. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.***
  - 2. *A cul-de-sac shall terminate with a circular turn around with a minimum radius of 45 feet of paved driving surface and a 50 foot right-of-way and meeting the Uniform Fire Code.***
  - 3. *The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle access way between it and adjacent developable lands.***

**FINDING:** The applicant's proposal did not include a cul-de-sac, nor did comments from the City Engineer indicate that one would be necessary to meet the requirements detailed above. These criteria are not applicable.

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

**FINDING:** Comments from the City Engineer indicated that street trees at a spacing of 35 feet would be required along Huntington Road. These requirements have previously been conditioned in this land use decision. As conditioned, this criterion is met.

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

**FINDING:** The subject property is not adjacent to a railroad right-of-way; therefore, this criterion is not applicable.

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

**FINDING:** The applicant's proposal did not include reserve strips; this criterion is met.

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

**FINDING:** The applicant's proposal did not include any new streets; therefore, this criterion is not applicable.

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

**FINDING:** The applicant's proposal did not include any new streets or intersections; therefore, this criterion is not applicable.

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

**FINDING:** The applicant's proposal did not include any new streets; therefore, this criterion is not applicable.

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

**FINDING:** The applicant's proposal did not include any new streets; therefore, this criterion is not applicable.

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

**FINDING:** The applicant's proposal did not include any new streets; therefore, this criterion is not applicable.

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

**FINDING:** The applicant's proposal did not include any new streets; therefore, this criterion 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.***

**FINDING:** The applicant's proposal did not include any new streets; therefore, this criterion is not applicable.

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

**FINDING:** Comments from the City Engineer did not indicate the need for any alleys. This criterion is not applicable.

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

**FINDING:** Comments from the City Engineer indicated that a new sidewalk and related curbs would be required along Huntington Road. This requirement has previously been added to the conditions of approval in this land use decision. This criterion is met.

- 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 fixture and be located at the intersection of streets.***

**FINDING:** Comments from the City Engineer did not indicate the need for any street lights, this criterion is not applicable.

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

**FINDING:** To ensure compliance with the above criterion, the following condition of approval has been added

Utility Arrangements: 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.



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

**FINDING:** Comments from the City Engineer indicated that drainage swales would be required on Huntington Road. This requirement has previously been added to the conditions of approval in this land use decision. As conditioned, this criterion is met.

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

**FINDING:** The applicant's proposal did not include any gates, therefore this criterion is not applicable

Section 15.90.080, Traffic Impact Analysis

- A. Purpose. The purpose of this subsection is [to] coordinate the review of land use applications with roadway authorities and to implement section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the city to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a traffic impact analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a traffic impact analysis; and who is qualified to prepare the analysis.**
- B. When a traffic impact analysis is required. The city or other road authority with jurisdiction may require a traffic impact analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:**
- 1. A change in zoning or a plan amendment designation;**
  - 2. Operational or safety concerns documented in writing by a road authority;**
  - 3. An increase in site traffic volume generation by [300] average daily trips (ADT) or more;**
  - 4. An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;**
  - 5. An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by ten vehicles or more per day;**
  - 6. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;**
  - 7. A change in internal traffic patterns that may cause safety concerns; or**
  - 8. A TIA required by ODOT pursuant to OAR 734-051.**
- C. Traffic impact analysis preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the traffic impact analysis.**
- D. Waiver or deferral. The city may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in [subsections] 1 through 4 is met. Where the city agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future:**
- 1. The standard improvement conflicts with an adopted capital improvement plan.**
  - 2. The standard improvement would create a safety hazard.**

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

**FINDING:** The applicant's proposed partition is not required under any of the criteria listed under subsection B of this section. Furthermore, comments from the City Engineer did not indicate a need for a traffic impact analysis. Therefore, LPDC Section 15.90.080 does not apply to this land use application.

## Chapter 15.92, Additional Standards for Land Divisions

### Section 15.92.010, Lots and Blocks

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

**FINDING:** The applicant's proposed two parcel partition will not create any new blocks, therefore these criteria are not applicable.

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

**FINDING:** The applicant's proposed two parcel partition does not include any further development at this time; however, staff can assume that based on the setbacks and development regulations of the Commercial/Residential Mixed Use zone, development will be feasible on each newly created parcel. This criterion is met.

- 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 Development Code (e.g., for townhomes). For lots fronting on a curvilinear street or cul-de-sac, the city may approve a reduced width, but in no case shall a width of less than 35 feet be approved.***

**FINDING:** Each newly created parcel will have at least 81 feet of frontage on Huntington Road which is classified as a County maintained public road. This criterion is met.

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

**FINDING:** Each newly created side lot line will run at right angles from Huntington Road. This criterion is met.

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

**FINDING:** The applicant's proposed two parcel partition does not divide the property by any of the above listed means, this criterion is met.

- F. Grading, cutting and filling of building lots or sites. Grading, cutting and filling of building lots or sites shall conform to the following standards unless physical conditions warrant other standards as demonstrated by a licensed engineer or geologist, and that the documentation justifying such other standards shall be set forth in writing thereby:**
- 1. Lot elevations may not be altered to more than an average of three feet from the natural pre-existing grade or contour unless approved otherwise by the city.**
  - 2. Cut slopes shall not exceed one foot vertically to 1½ feet horizontally.**
  - 3. Fill slopes shall not exceed one foot vertically to two feet horizontally.**
  - 4. Where grading, cutting or filling is proposed or necessary in excess of the foregoing standards, a site investigation by a registered geologist or engineer shall be prepared and submitted to the city as a part of the tentative plan application.**
    - a. The report shall demonstrate construction feasibility, and the geologist or engineer shall attest to such feasibility and shall certify an opinion that construction on the cut or fill will not be hazardous to the development of the property or to surrounding properties.**
    - b. The planning commission shall hold a public hearing on the matter in conformance with the requirements for a conditional use permit, however, such may be included within the initial hearing process on the proposed development.**
    - c. The planning commission's decision on the proposal shall be based on the following considerations:**
      - (1) That based on the geologist's or engineer's report, that construction on the cut or fill will not be hazardous or detrimental to development of the property or to surrounding properties.**
      - (2) That construction on such a cut or fill will not adversely affect the views of adjacent property(ies) over and above the subject site without land alteration, or that modifications to the design and/or placement of the proposed structure will minimize the adverse impact.**
      - (3) That the proposed grading and/or filling will not have an adverse impact on the drainage on adjacent properties, or other properties down slope.**
      - (4) That the characteristics of soil to be used for fill, and the characteristics of lots made usable by fill shall be suitable for the use intended.**

**FINDING:** The applicant's proposed two parcel partition does not include any grading, cutting, or filling of building lots or sites, therefore these criteria are not applicable to this application, however staff includes the following condition of approval to ensure future compliance.

Grading, Cutting, and Filling: Grading, cutting, and filling of building lot or sites shall conform to the LPDC Section 15.92.010(F).

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

**FINDING:** The applicant's proposed two parcel partition does not include any double frontage lots or parcels. This criterion is met.

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

**FINDING:** The applicant's proposal does not include any special setback lines; therefore, this criterion is not applicable.

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

**FINDING:** Staff finds that Parcel 1 is small enough that future redivision is unlikely. Parcel 2 is large enough and oriented so that future division is plausible. This criterion is met.

Section 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 ten 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 five feet in width.***

**FINDING:** To ensure compliance with the above criterion, the following condition of approval has been added.

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 ten 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 five feet in width.

- 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 stormwater easement or drainage right-of-way conforming substantially with the lines of the water course, and such further widths as deemed necessary.***

**FINDING:** The subject property is not traversed by a watercourse; therefore, this criterion is not applicable.

- C. *Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian and/or bicycle way of not less than ten 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 five-foot wide paved or other suitable surface will be required.***

**FINDING:** Comments from the City Engineer did not indicate any of the above reference requirements would be necessary, therefore this criterion is not applicable.

- D. *Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the city public works department and/or water and sewer district.***

**FINDING:** The Public Works Director indicated that there is no need for additional sewer and water line easements as part of this partition, therefore this criterion is not applicable to the current application.

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 notify the property owner as soon as the city council authorizes the transaction to proceed.***
- B. *Within a development, or adjacent to a development in contiguous property owned by the developer, a parcel of land of not more than five percent of the gross area of the development may be required to be set aside and dedicated to the public for parks and recreation purposes by the developer. The parcel of land, if required, shall be determined to be suitable for the park and/or recreation purpose(s) intended, and the city may require the development of the land for the park or recreation use intended or identified as a need within the community.***
- C. *In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.***
- D. *If there is a systems development charge in effect for parks, the foregoing land and development or money dedication (if required) may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency in accordance with the applicable provisions of the system development charge ordinance. If the collecting agency will not permit the land or money dedication in lieu of an applicable systems development charge, then the land and development or money dedication shall not be required.***
- E. *If the nature and design, or approval, of a development is such that over 30 percent 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 percent.***

**FINDING:** The City has not identified any need to acquire a portion of the proposed parcels for any other public purpose. These criteria are not applicable to the current application.

**Chapter 15.94, Improvement Procedures and Guarantees**

Section 15.94.010, Improvement Procedures

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

- A. *Plan review and approval. Improvement work shall not be commenced until plans therefor have been reviewed and approved by the city or a designated representative thereof. The review and approval shall be at the expense of the developer.***

**FINDING:** To ensure compliance, the following condition of approval has been added.

Plan Review and Approval: Improvement work shall not be commenced until development plans therefore have been reviewed and approved by the city or a designated representative thereof. The review and approval shall be at the expense of the developer.

- B. *Modification. Improvement work shall not commence until after the city has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.***

**FINDING:** To ensure compliance, the following condition of approval has been added.

Modification: Improvement work shall not commence until after the City has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.

- C. *Improvements as platted. Improvements shall be designed, installed and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the city.***

**FINDING:** The applicant is not proposing development that is in conjunction with a recent final plat approval, therefore this criterion is not applicable.

- 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.***

**FINDING:** To ensure compliance, the following condition of approval has been added.

Inspection: Improvement work shall be constructed under the inspection and approval of an inspector designated by the City, and the expenses incurred therefore shall be borne by the developer. Fees established by the city council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.

- E. *Utilities. Underground utilities, including, but not limited to, electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets, shall be constructed by the developer prior to the surfacing of the streets.***

**FINDING:** No new streets are included in this proposal; therefore, this criterion is not applicable.

- F. *As built plans. As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the city upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements.***

**FINDING:** To ensure compliance, the following condition of approval has been added.

As Built Plans: If needed, 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.

Section 15.94.020, Completion or Assurance of Improvements

- A. *Agreement for improvements. Prior to final plat approval for a subdivision, partition, PUD or other land development, or the final approval of a land use or development pursuant to applicable zoning provisions, where public improvements are required, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the city an agreement between him/herself and the city specifying the period in which improvements and repairs shall be completed and, providing that if the work is not completed within the period specified, that the city may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the city for the cost of inspection and other engineer services directly attributed to the project.***

**FINDING:** To ensure compliance, the following condition of approval has been added.

Agreement for Improvements: ***Prior to final plat approval***, 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 ensure his/her full and faithful performance thereof, one of the following, pursuant to approval of the city attorney and city manager, and approval and acceptance by the city council:***
- 1. *A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the city attorney.***
  - 2. *A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.***
  - 3. *Cash deposit.***
  - 4. *Such other security as may be approved and deemed necessary by the city council to adequately ensure completion of the required improvements.***

**FINDING:** As detailed in LPDC Section 15.94.040, a Maintenance Surety Bond will be required as part of this project. To ensure compliance with the above criteria, the following condition of approval has been added.

Bond or Other Performance Assurance: The developer shall file with the agreement, to ensure his/her full and faithful performance thereof, one of the following, pursuant to approval of the city attorney and city manager, and approval and acceptance by the city council:

1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the city attorney.
  2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
  3. Cash deposit.
  4. Such other security as may be approved and deemed necessary by the city council to adequately ensure completion of the required improvements.
- C. *Amount of security required. The assurance of full and faithful performance shall be for a sum approved by the city as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20 percent for contingencies.***

**FINDING:** To ensure compliance, the following condition of approval has been added.

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 percent for contingencies.

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

**FINDING:** To ensure compliance, the following condition of approval has been added.

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.

Section 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 percent of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from***



*the date of acceptance.*

**FINDING:** To ensure compliance, the following condition of approval has been added.

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 percent 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.

## Article 9, Land Divisions<sup>1</sup>

### Chapter 15.410, Land Partitions<sup>2</sup>

#### Section 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 [subsection] B of this section, must be approved by the city as provided for in this section. Minor partitions are reviewed in accordance with the Type II procedures in article 7 and major partitions are reviewed in accordance with the Type III procedures in article 7.***

**FINDING:** The applicant is applying for a two-parcel partition, which is being reviewed in accordance with the Type II procedures for a minor partition. Applicable criteria are addressed herein.

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

**FINDING:** The applicant's two parcel partition does not meet any of the above exceptions, therefore these criteria are not applicable.

#### Section 15.410.030, Decisions – Partitions

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

**FINDING:** The applicant's two parcel partition is considered a minor partition and is being reviewed in accordance

---

<sup>1</sup> State Law reference— *Subdivision and other divisions of land, ORS 92.010 et seq.; city planning, ORS 227.010 et seq.*

<sup>2</sup> State Law reference— *Partition of land, ORS 92.010 et seq.*

with Type II review procedures. This criterion is met.

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

**FINDING:** The applicant's two parcel partition is not considered a major partition; therefore, this criterion is not applicable.

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

**FINDING:** LPDC Section 15.12.020 defines series partitioning as follows:

Partition, series, means 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.

Based on the land use history for the subject property, and the applicant's proposal, staff finds that the applicant's proposed partition does not qualify as a series partition, therefore this criterion is not applicable.

- D. Final partition map procedures. In addition to the procedures required for city approval of a final map for a partitioning, other required processing procedures are set forth in chapters 15.414 and 15.418.**

**FINDING:** Relevant criteria under LPDC Section 15.414. and 15.418 will be reviewed for compliance during final plat review.

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

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

**FINDING:** As discussed herein, the applicant's two parcel partition is in compliance with the applicable zoning regulations for the Commercial/Residential Mixed Use zone. This criterion is met.

- 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.**

**FINDING:** As discussed previously, each newly created parcel will be suited for uses listed in the Commercial/Residential Mixed Use zone, including but not limited to sewage disposal, water supply, access, and utilities. This criterion is met.

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

**FINDING:** Staff finds that based on the applicant's proposal, as well as comments from the City Engineer, public services will be reasonable available to each newly created parcel. This criterion is met.

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

**FINDING:** Notice of Application was sent to all relevant public agencies and property owners within 100 feet of the subject property. Staff did not receive any comments from neighboring properties, and all comments from relevant agencies have been incorporated herein. This criterion is met.

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

**FINDING:** Comments from the City Engineer did not identify any need for a survey or other improvement requirements. This criterion is not applicable.

Section 15.410.050, Final Map Requirements

***Within two years of the approval of a partition, the partitioner shall have prepared and submitted to the city planning official a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.***

- A. The final map shall provide a certificate for approval of the subject partition by the planning official. The final map shall also contain a certificate for execution by the county tax collector and a certificate for execution by the county assessor. The final map shall first be submitted to and approved by the county surveyor prior to obtaining the required signatures.**
- B. Upon approval, the 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.**
- C. A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision.**

**FINDING:** Staff includes LPDC Section 15.410.050 as a condition of approval to ensure compliance with the final plat review process.

**Final Map Requirements:** ***Within two years of the approval of a partition,*** the partitioner shall have prepared and submitted to the city planning official a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.

- A. The final map shall provide a certificate for approval of the subject partition by the planning official. The final map shall also contain a certificate for execution by the county tax collector and a certificate for execution by the county assessor. The final map shall first be submitted to and approved by the county surveyor prior to obtaining the required signatures.
- B. Upon approval, the 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.

- C. A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision.

### Chapter 15.418, Processing and Recording Procedures<sup>3</sup>

#### Section 15.418.010, Processing and Recording Subdivision and Partition Maps

- A. *Submit one reproducible paper, vellum or Mylar map copy to the county surveyor.*
- B. *Submit closure sheets for the surveyor's certificate and a closure sheet for each lot or parcel created, and a closure sheet for dedicated areas such as roadways or public facility lots.*
- C. *Submit the required county surveyor review fee as appropriate for the subdivision or partition.*
- D. *Submit a title report for the subdivision.*
- E. *Submit a post-monumentation certificate stating the intent and completion date and a bonding estimate for all subdivision plats proposed for post-monumentation. The bonding estimate is to be 120 percent of the estimated actual costs, office and field.*
- F. *After preliminary initial review of the plat, resubmit the final plat prepared on double matte four mil minimum thickness Mylar, with corrections made, to the county surveyor for final approval and signature.*
- G. *Remaining approval signatures shall then be executed and the final maps and an exact copy thereof submitted to the county surveyor for recording into the survey records prior to submittal to the county clerk for recording. The exact copy shall comply with the requirements of ORS 92 and other applicable statutes and be submitted on four mil thickness Mylar.*
- H. *The county surveyor recording fee shall be submitted with the final plat along with any required post-monumentation bond or letter executed by the city attorney that the bonding requirements are met.*
- I. *The plat shall then be submitted to the county clerk along with the required recording fee. After recording information is placed on the exact copy by the county clerk, the exact copy and the required number of prints showing the recording information shall be submitted to the county surveyor to complete the process. The number of prints required shall be 12 for a subdivision plat and six prints for a partition unless a greater number is requested by the county surveyor at initial review.*
- J. *Copies of the exact copy of the final plat showing the recording information shall also be submitted to the city planning official, together with an electronic copy in a format approved by the city. The scale and format of the plans and the number of copies required shall be as specified on the application form.*

**FINDING:** Staff includes this section for reference to the applicant, so they are aware of the process to record a partition map.

### V. CONCLUSION

Based on the foregoing findings, City staff concludes that the proposed use can comply with the applicable standards and criteria of the City of La Pine Development Code if the conditions of approval are met.

---

<sup>3</sup> State Law reference— Final approval of plats and plans, ORS 92.010 et seq.

Other permits may be required. The applicants are responsible for obtaining any necessary permits from the Deschutes County Building Division and Deschutes County Environmental Soils Division as well as any required state and federal permits.

VI. DECISION

APPROVAL, subject to the following conditions of approval.

VII. CONDITIONS OF APPROVAL:

AT ALL TIMES

- A. Application Materials: This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
- B. Additional Permit Requirements: The applicant shall obtain necessary permits from the City of La Pine, Deschutes County Building Department, Deschutes County Onsite Wastewater Department, and any other necessary State or Federal permits.
- C. Confirmation of Conditions: The applicant shall be responsible for confirming in detail how each specific condition of approval has been met if requested by City staff.
- D. 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.
- E. 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.
- F. Utility Responsibility: 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.
- G. Underground Utilities: All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- H. Utility Arrangements: 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.
- I. Grading, Cutting, and Filling: Grading, cutting, and filling of building lot or sites shall conform to the LPDC Section 15.92.010(F).
- J. 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 ten 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 five feet in width.

- K.** Plan Review and Approval: Improvement work shall not be commenced until development 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.** 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.
- M.** 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.
- N.** As Built Plans: If needed, 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.
- O.** Bond or Other Performance Assurance: The developer shall file with the agreement, to ensure his/her full and faithful performance thereof, one of the following, pursuant to approval of the city attorney and city manager, and approval and acceptance by the city council:
1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the city attorney.
  2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
  3. Cash deposit.
  4. Such other security as may be approved and deemed necessary by the city council to adequately ensure completion of the required improvements.
- P.** 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 percent for contingencies.
- Q.** 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.
- R.** 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 percent 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.

- S. Final Map Requirements: ***Within two years of the approval of a partition***, the partitioner shall have prepared and submitted to the city planning official a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.
- A. The final map shall provide a certificate for approval of the subject partition by the planning official. The final map shall also contain a certificate for execution by the county tax collector and a certificate for execution by the county assessor. The final map shall first be submitted to and approved by the county surveyor prior to obtaining the required signatures.
- B. Upon approval, the 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.
- C. A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision.

#### **PRIOR TO FINAL PLAT APPROVAL**

- T. Huntington Road Sidewalk: ***Prior to final plat approval***, applicant shall prepare and design engineered stamped construction plans to construct 6-foot-wide concrete sidewalk on Huntington Road project frontage, drainage swales on Huntington Road frontage, street trees at an average of 35 foot spacing, and a new water and sewer service to proposed parcel 2. Construction plans shall be submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Manager. Construction Plans shall also be submitted to Deschutes County Road Department for review.
- U. Right of Wat Dedication: ***Prior to final plat approval***, 9 feet of right-of-way along the entirety of frontage on Huntington Road shall be dedicated to the public on the partition plat map. (60' Existing ROW, 78' TSP ROW Arterial).
- V. Fee In Lieu Option: ***Prior to final plat approval***, at the discretion of the City, as an alternative to construction of sidewalk improvements, the applicant may pay a fee in lieu of construction in the amount equivalent to the cost of the improvements, the cost to be reviewed and approved by the City.
- W. Performance Bond: ***Prior to final plat approval***, and only for those improvements which are to be constructed and not otherwise paid for separately by fee in lieu, the applicant shall provide the City with a performance bond of 120% of the cost of improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff.
- X. Maintenance Surety Bond: ***At the completion of construction of required improvements***, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.
- Y. Stormwater: ***Prior to final plat approval***, the City Engineer must review and approve the drainage facilities on site for compliance with LPDC Section 15.90.040.
- Z. Agreement for Improvements: ***Prior to final plat approval***, 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.

**VIII. DURATION OF APPROVAL, NOTICE, AND APPEALS**

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

**THIS DECISION BECOMES FINAL TWELVE (12) DAYS AFTER THE DATE MAILED, UNLESS APPEALED BY THE APPLICANT OR A PARTY OF INTEREST IN ACCORDANCE WITH ARTICLE 7, CHAPTER 15.212 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE. PURSUANT TO ARTICLE 7, CHAPTER 15.212 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE, APPEALS MUST BE RECEIVED BY 5:00 PM ON THE 12<sup>TH</sup> DAY FOLLOWING MAILING OF THIS DECISION.**

**CITY OF LA PINE COMMUNITY DEVELOPMENT DEPARTMENT**

Written By: Rachel Vickers, Associate Planner

Attachment: Tentative Plat Map



# 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	— W —
EXISTING SEWER LINE	— SS —
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

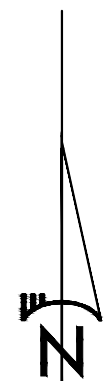
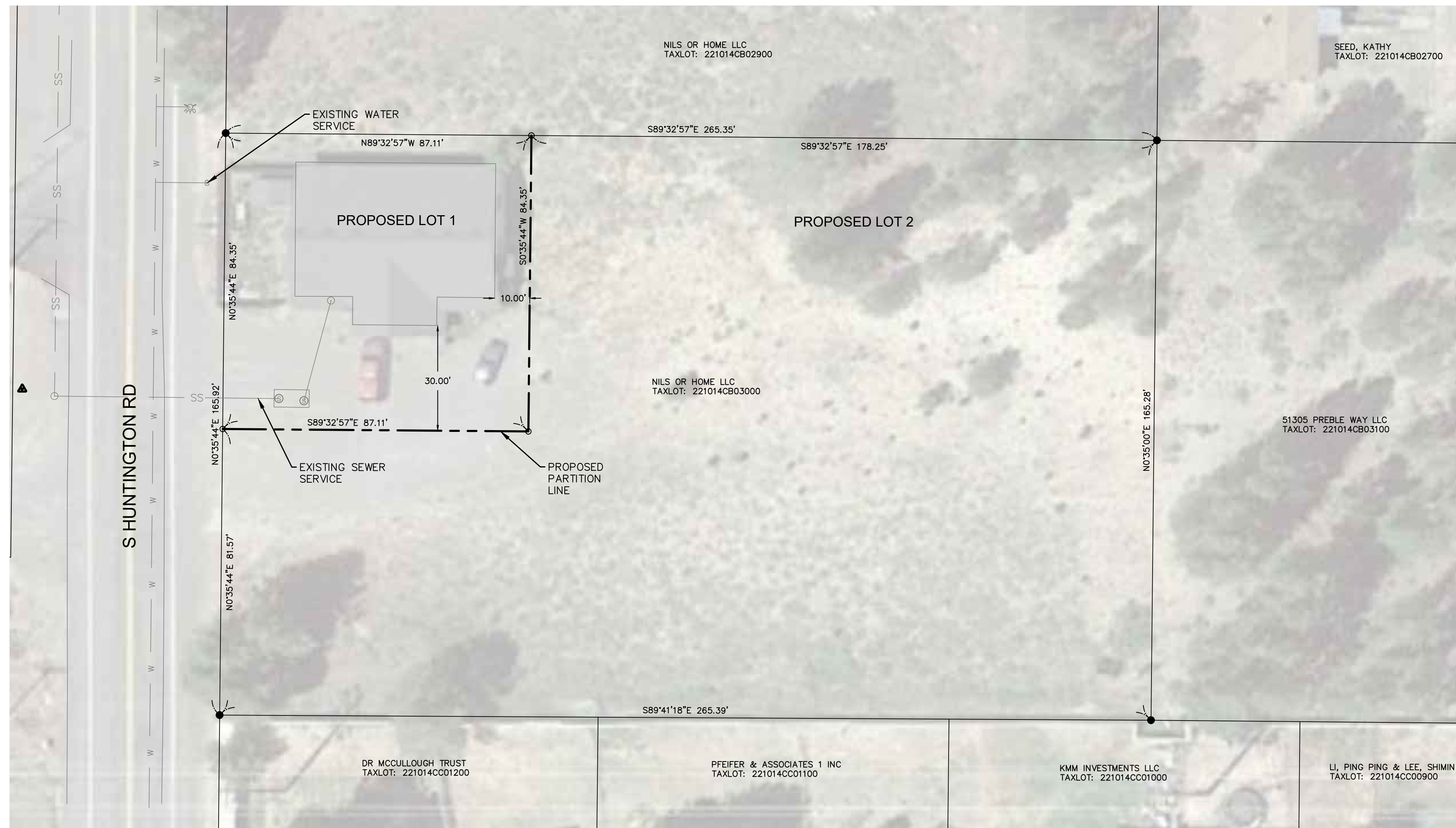
SURVEYOR: ERIK HUFFMAN, PE, PLS  
BECON CIVIL ENGINEERING & LAND SURVEYING  
549 SW MILLVIEW WAY, SUITE 100  
BEND, OR 97702

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.beconeing.com

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