



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

PA-25-0002

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## Partition Application

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File Number # \_\_\_\_\_

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

### PROPERTY OWNER AND APPLICANT INFORMATION

Applicant Name GEU Development Quinn Stearns Phone 541-953-9214 Fax \_\_\_\_\_

Address 1627 NE 6th St City Bend State OR Zip Code 97701

Email quinn@geudevelopment.com

Property Owner GEU Development Quinn Stearns Phone 541-953-9214 Fax \_\_\_\_\_

Address 1627 NE 6th St City Bend State OR Zip Code 97701

Email quinn@geudevelopment.com

### PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, general area) 52563 Doe Ln La Pine, OR 97739

Tax lot number T-21S R- 10E Section 36C0 Tax Lot(s) 601

Zoning RSF Total Land Area 50,325 (Square Ft.) 1.13 (Acres)

Present Land Use Single Family Home

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## PROJECT DESCRIPTION

Describe Project: Three parcel land partition

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## PROFESSIONAL SERVICES

Surveyor/Engineer Ward Surveying, LLC Phone (541) 480-1106 Fax                     

Address 60626 Bozeman Trail City Bend State OR Zip Code 97702

Email clintsward@gmail.com

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## FOR OFFICE USE ONLY

Date Received:                     

Rec'd By:                     

Fee Paid:                     

Receipt #:                     

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## SUBMITTAL REQUIREMENTS

### REQUIRED ITEMS TO BE SUBMITTED FOR PARTITION REVIEW.

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

☒ Application. The application must be signed by the owner(s) and include information requested on the application form. If the owner does not sign, then a letter of authorization must be signed by the owner for the agent.

☐ Title Report or subdivision guarantee, including legal description of property.



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



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

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

Owner:  Date: 4.17.25  
Signature

Applicant: Same as owner Date: \_\_\_\_\_  
Signature

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

# **Burden of Proof/Narrative**

*for the Tentative Land Division of 52563 Doe Lane*

**APPLICANT/OWNER:**

*GEU Development LLC  
65215 73rd St  
Bend, OR 97703*

**ENGINEER/LAND SURVEYOR:**

*Ward Surveying, LLC  
Attn: Clinton S Ward, PE, PLS  
60626 Bozeman Trail  
Bend, OR 97702  
(541) 480-1106  
clintsward@gmail.com*

**LOCATION:**

*The subject property is addressed as 52563 Doe Lane., La Pine, OR 97739.*

**REQUEST:**

*Tentative plan approval for a three-parcel land partition in the RSF zone.*

**APPLICABLE STANDARDS, PROCEDURES AND CRITERIA:**

*City of La Pine Development Code (LDC)*

*Article 3 – Zoning Districts*

*Chapter 15.18 – Residential Zones*

*Article 5 – Development Standards*

*Chapter 15.88 – Access and Circulation*

*Chapter 15.90 – Public Facilities*

*Chapter 15.92 – Additional Standards for Land Divisions*

*Article 7 – Procedures*

*Chapter 15.204 – Application Procedures*

*Article 9 – Land Divisions*

*Chapter 15.410 – Land Partitions*

## **FACTS:**

**1. LOCATION:** The subject property is legally described as Lot 4, Block 3, Cagle Subdivision Plat No. 2, City of La Pine, Deschutes County, Oregon. The property is identified as Tax Lot 601 on Deschutes County Assessor's Map #21-10-36C, and is addressed as 52563 Doe Lane, La Pine, Oregon 97739.

**2. ZONING:** The subject property is zoned RSF—Residential Single-Family on the City of La Pine Zoning Map and designated LPR—Residential on the City of La Pine Comprehensive Plan Map.

### **3. SITE DESCRIPTION & SURROUNDING USES:**

The subject property is 1.15 acres in area as surveyed by Ward Surveying, LLC, and is currently vacant and undeveloped. The property is virtually flat, with elevations varying across the lot within a foot difference. The lot contains a multitude of lodgepole pine trees and a few scattered ponderosa pines, along with an understory consisting of native shrubs and grasses. The lot has a single dwelling that is roughly 800 square feet in the East side.

The subject property is bounded by Doe Lane to the East, which is surfaced with gravel approximately 24 feet in width and improved with a 12-inch water main, 6-inch gravity sewer mains, a 4-inch pressure sewer main, together with power, fiber optic and telephone utilities, all within a 50-foot wide right-of-way. Abutting properties to the South, North, West are developed with single-family detached dwellings and accessory structures. The abutting property to the northeast is vacant and undeveloped. All abutting properties are zoned RSF Residential Single-Family on the City of La Pine Zoning Map and designated LPR—Residential on the City of La Pine Comprehensive Plan Map.

**4. PROPOSAL:** The applicant proposes to partition the property into three separate parcels for future use as single-family dwellings or any other permitted use in the RSF zone.

## **Burden of Proof/Conformance with City of La Pine Development Code**

### **Article 3 - ZONING DISTRICTS**

#### **Sec. 15.18.200. - Characteristics of the residential zones.**

Residential zones are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to

*schools, parks, and community services; and to ensure efficient use of land and public facilities. There are two residential zones in the city:*

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

**Response:** *According to the City of La Pine Zoning Map, the property is located within the Residential Single-Family Zone (RSF).*

**Sec. 15.18.300. - Use regulations.**

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

- A. Permitted uses (P). Uses allowed outright in the residential zones are listed in Table 15.18-1 with a "P."*
- B. Limited uses (L). Uses allowed in the residential zones subject to limitations are listed in Table 15.18-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.18-1.*
  - 1. Commercial lodging. Commercial lodging uses in the RSF and RMF zones are limited to bed and breakfast inns.*
  - 2. Retail sales and service. Retail sales and service uses in the RSF and RMF zones are limited to veterinary clinics and commercial kennels where the animal-related facilities are primarily indoors.*
  - 3. Self-service storage. Self-service storage uses are required to have a minimum lot size of five acres.*
  - 4. Parks and open areas. Cemeteries require a conditional use permit in the RSF and RMF zones. All other parks and open areas uses permitted outright.*
- C. Conditional uses (CU). Uses which are allowed if approved through the conditional use review process are listed in Table 15.18-1 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 15.18-1 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.*

**Response:** *The applicant intends for the newly created parcels to be developed with single-family dwellings, a permitted use per the truncated version of Table 15.18-1 above, although the applicant or any future owner reserves the right to develop the*

parcels in conformance with any permitted, limited or conditional uses identified in the entirety of Table 15.18-1 and in conformance with City of La Pine Development Code.

**Sec. 15.18.400. - Development standards.**

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

Table 15.18-2. Development Standards in the Residential Zones		
Standard	RSF	RMF
Minimum density	1 unit per acre (1)	5 units per acre
Maximum density	7 units per acre (2)	40 units per acre
Minimum lot size	None	None for single-family dwelling, cottage cluster development, duplex, or townhomes. Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the same property, provided that urban services are available to serve the development.



Minimum street frontage  When a flag lot is proposed, as defined under Flag Lot in section 15.12.020, the minimum frontage width shall be 30 feet, and shall apply to the full length of the flag lot "pole".	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes
Minimum setbacks	—	—
- Front or street-side yard	20 feet	20 feet
- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
Maximum building height	45 feet	45 feet
Maximum lot coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum landscaped area	See <a href="#">chapter 15.82</a>	

**Response:** The subject property is 1.15 acres in size. The proposed land division is for three parcels, resulting in a density of 2.6 units per acre, under the maximum density allowed by Table 15.18-2 above. Per LDC 15.18.400(B)(1), minimum density does not apply to land partitions.

As shown on the submitted tentative plan, the parcels labeled parcel 1 and parcel 2 have at least 50 feet of frontage on Doe Lane. Parcel 3 is a flag lot and as such have frontage applied to the flag lot "pole" as specified in the February 2024 amendment of the development standards. For this parcel, the frontage is at least 30.00 feet.

There are no lot size minimums in the RSF per this table.

The setbacks for the current dwelling and the planned dwelling that currently has zoning approval with the city are shown in the site plan and the following table:

	North (side yard)	East (front yard)	West (rear yard)	South (side yard)
<b>Current Dwelling</b>	10'	140'	25'	
<b>Planned Dwelling</b>	15'	35'	130'	

*Any future application for building permits or site plan review will require compliance with the setback, building height, lot coverage and landscape areas per the above table, and will be examined for compliance during building permit review.*

**Sec. 15.18.500. - Additional standards.**

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

**Response:** *Any future application for building permits or site plan review will require compliance with the additional standards of the above subsections, and will be examined for compliance during building permit review.*

**Article 5 - DEVELOPMENT STANDARDS**

**CHAPTER 15.88. - ACCESS AND CIRCULATION**

**Sec. 15.88.030. - Vehicular access and circulation.**

- A. *Purpose and intent. [Section 15.88.030](#) implements the street access guidelines of the City of La Pine Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.*
- B. *Permit required. Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.*

**Response:** The “flag” that is connected to parcel 3 will constitute a new driveway, which will require an approach permit. The applicant will apply for this permit with the relevant authority as required.

- C. *Traffic study requirements. The city, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to [section 15.90.080](#), to determine compliance with this Development Code.*

**Response:** *Traffic study requirements are discussed in the response to LDC 15.90.080 below.*

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

1. *Access points to arterials and collectors may be restricted through the use of the following techniques:*
  - a. *Restricting spacing between access points based on the type of development and the speed along the serving collector or arterial.*
  - b. *Sharing of access points between adjacent properties and developments.*
  - c. *Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.*
  - d. *Constructing frontage or marginal access roads to separate local traffic from through traffic.*
  - e. *Providing service drives to prevent overflow of vehicle queues onto adjoining roadways.*

**Response:** *The subject property fronts onto Doe Lane, which is neither a collector or arterial street per the City of La Pine Transportation System Plan, and therefore the preceding access restriction techniques do not apply and/or cannot be required of the proposed land division.*

2. *Consideration of the following traffic and facility improvements for access management:*
  - a. *Providing of acceleration, deceleration and right-turn-only lanes.*
  - b. *Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.*
  - c. *Installation of median barriers to control conflicts associated with left turn movements.*
  - d. *Installing side barriers to the property along the serving arterial or collector to restrict access width to a minimum.*

**Response:** *The applicant does not anticipate any offsetting driveways will be required for the proposed application. The subject property and resulting parcels front onto Doe Lane, a local street per the City of La Pine Transportation System Plan; acceleration, deceleration & right-turn only lanes, median barriers and/or side barriers are not generally considered to be appropriate treatments for local streets, and there are no special circumstances with respect to the subject property that would dictate otherwise.*

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

**Response:** *The subject property and associated land division does not front or otherwise require access to a state highway; therefore this criterion does not apply.*

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

**Response:** *There are no existing drainage ditches, canals, railroads or other features under other agency jurisdiction that would affect any future driveway approach onto Doe Lane from the proposed land division, and therefore this criterion does not apply.*

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

**Response:** *The applicant does not anticipate any changes necessary to the existing driveway*

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

**Response:** *No joint use access shall be required between the three parcels.*

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

- A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding 3½ feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.

**Response:** The subject property does not exist at or create an intersection of two streets or a street and a railroad, and therefore the clear vision standards of this section do not apply.

**Sec. 15.88.050. - Pedestrian access and circulation.**

- A. Purpose and intent. This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. Standards. New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:

**Response:** The applicant proposes a land partition, not a subdivision, multi-family development, planned development, commercial development or an institutional development, and therefore the pedestrian access and circulation standards of this section do not apply.

**CHAPTER 15.90. - PUBLIC FACILITIES**

**Sec. 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.
- 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.

**Response:** Additional water and sewer services are proposed by the applicant connecting to the recently installed water and sewer mains in the Cagle subdivision so that each resultant parcel will have an individual sewer and water service available to it. The applicant will apply for the relevant connections at the appropriate point in the project's development

**Sec. 15.90.040. - Stormwater.**

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

**Response:** The proposed land division will not result in any additional stormwater runoff to Doe Lane. Any additional stormwater runoff anticipated to be generated by future development will be examined at the time of building permit submittal, with appropriate mitigation measures implemented as required and in accordance with this section.

**Sec. 15.90.050. - Utilities.**

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

**Response:** Power, telephone and fiber optic utilities exist in Doe Lane adjacent to the subject property. The developer will coordinate for the provision of necessary or desirable utility services to each of the proposed parcels in accordance with this subsection. All new utility extensions will be underground.

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

**Response:** The applicant proposes a partition, not a subdivision, and therefore this subsection does not apply.

- D. Exception to undergrounding requirement. The city may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic

conditions, streams, or existing development conditions make underground placement impractical.

**Response:** *The applicant currently knows of no existing condition that would qualify for an exception to the utility undergrounding requirement, and accordingly does not seek an exception with this partition application.*

**Sec. 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.*
- 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.*

**Response:** *The applicant proposes a minor partition, with no new streets to be created or extended. Additionally, there are no planned streets within the City of La Pine Transportation System Plan that affect the subject property or existing streets with opportunity to be continued.*

- 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.*

**Response:** *The applicant does not propose the creation of a cul-de-sac or dead-end street, and therefore this subsection does not apply.*

*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.*

**Response:** The proposed minor partition is not a subdivision, and does not affect the development or land division of abutting properties; each of these abutting properties has existing direct access to a public street.

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

**Response:** Doe Lane abutting the proposed partition is a local street, and is improved with a gravel surface approximately 24 feet in width, within a 50-foot right-of-way (25 feet on each side of centerline) platted with Cagle Subdivision Plat No. 2 in 1958. Table 4-4 of the City Transportation System Plan is reprinted below:

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

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

<sup>2</sup> On-street parking provide adjacent to commercially zoned properties



*The substandard right-of-way width is proposed to be partially remedied by the applicant with a dedication of 7 feet along the subject property frontage, for a total of 32 feet to centerline. The remaining 7 feet of right-of-way deficiency will be dedicated by the property immediately East of Doe Lane upon future development. Existing roadway width of 24 feet (two travel lanes, each 12 feet wide) exceeds the required 11-foot travel lanes in the City Transportation System Plan (TSP) for local streets. Additional roadway width for on street parking does not exist on Doe Lane for its entire 3/4-mile length. Per the adopted Transportation System Plan:*

*“On-street parking can be provided or not provided based on the context of the area being served.”*

*The creation of two additional parcels with the proposed land partition, with the resultant parcels being roughly a third of an acre in size, provides ample opportunity for future onsite parking. Further, a relatively short increase in width of the roadway along the property frontage followed by a decrease in width of the roadway is not desirable from a traffic operations perspective; therefore roadway widening for on street parking is not proposed nor should it be required, in accordance with this subsection, which allows approval otherwise. A waiver for roadway widening for on-street parking is hereby requested in accordance with LDC 15.90.080(D) below. Bike lanes and sidewalks are discussed in detail with the responses to applicable subsections below.*

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

**Response:** *Table 4-4 of the City Transportation System Plan states the standard sidewalk width for local streets is 6 feet. However, no sidewalks currently exist on the entirety of Doe Lane, which is approximately 4,000 feet long. To construct an island-like 165-foot long sidewalk on one side of the road creates no significant benefit to the public but does add significant cost to this land for needed housing. Accordingly, a waiver for sidewalk construction is hereby requested in accordance with LDC 15.90.080(D) below.*

- 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.*

**Response:** Doe Lane is a local street. Table 4-4 of the City Transportation System Plan states that bike lanes are not required for local streets.

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:

**Response:** A cul-de-sac is not proposed for this minor land partition; therefore this subsection does not apply.

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

**Response:** The proposed partition neither abuts nor contains an arterial street; therefore this subsection does not apply.

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.

**Response:** The proposed partition does not abut or contain railroad right-of-way; therefore this subsection does not apply.

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

**Response:** The applicant does not propose a reserve strip or street plug, and therefore this subsection does not apply.

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.*

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

**Response:** *This minor partition application does not propose any new streets or extensions of any existing streets, and therefore the above subsections do not apply.*

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

**Response:** *The proposed partition does not abut or create a street intersection, and therefore this subsection does not apply.*

- 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.*

**Response:** *The proposed partition does not cause any material changes to the abutting street, Doe Lane, and the addition of two land parcels created by the land*

*division will have a de minimis impact on the surrounding street network; therefore, this subsection does not apply unless supported by substantial and appropriate findings made by the City.*

- 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.*

**Response:** *No alleys are proposed by the applicant with this residential land division, and according to this subsection, none are required.*

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

**Response:** *No curbs exist on Doe Lane for the entirety of its 4,000-foot length. To install a short section of curbing along the 165-foot frontage of the subject property is not desirable from a traffic operations and street maintenance standpoint, and the applicant requests the City Engineer make a determination that curbs are not required with this minor partition.*

- 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.*

**Response:** *The subject property is not located at an existing street intersection nor does it create a new intersection; therefore no street lights are required.*

- 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.*

**Response:** *Power, telephone and fiber optic utilities exist in Doe Lane adjacent to the subject property. The developer will coordinate for the provision of necessary or desirable utility services to each of the proposed parcels in accordance with this subsection. All new utility extensions will be underground.*

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

**Response:** The proposed land division will not result in any additional stormwater runoff to Doe Lane. Any additional stormwater runoff anticipated to be generated by future development will be examined at the time of building permit submittal, with appropriate mitigation measures implemented as required and in accordance with this section.

- 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.

**Response:** The applicant does not propose any gates as part of this partition application. Any future gates that may be installed shall conform with this subsection.

**Sec. 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 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;

**Response:** The applicant does not seek a zone change or plan amendment, and therefore a traffic impact analysis is not required under this subsection.

2. Operational or safety concerns documented in writing by a road authority;

**Response:** The applicant is not aware of any documented operational or road safety concerns in the vicinity of the subject property, and absent further proof otherwise, a traffic impact analysis would not be required under this subsection.

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;

**Response:** The applicant proposes a partition creating three total parcels out of one existing platted lot. A traffic impact analysis is not required under sec 15.90.080

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;

**Response:** The proposed land partition is located in a residential zone and intended for residential use; as such, no regular or substantial increase in heavy vehicle traffic typically generated by commercial uses are expected.

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;

**Response:** No existing approaches exist on the subject property and no new approaches or access connections are proposed by the applicant with this partition application. Doe Lane is a local street with no vehicular access restrictions. Doe Lane is also straight, level and uninterrupted by any public street intersections for approximately 2,400 feet to the north and 1,300 feet to the south, and is unlikely to have sight distance conflicts near the subject property. Any future approaches to the new parcels resulting from this partition application will be required to meet minimum spacing and sight distance requirements dictated by City of La Pine code and standards. As such, no TIA is required with this partition request.

7. A change in internal traffic patterns that may cause safety concerns; or

**Response:** The applicant proposes a minor partition with no new streets; as such, it is not expected that this land division will cause any significant change in internal traffic patterns within the neighboring Cagle Subdivision.

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

**Response:** OAR 731-051 addresses approaches, access control, spacing standards and medians on the State highway system. As the subject property does not front a State highway, these TIA requirements do not apply.

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.

**Response:** As detailed above in the responses to LDC 15.90.080(B), no traffic impact analysis is required.

- 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.*

***Response:*** *The subject property is located within the Cagle Subdivision, where the majority of lots are developed with single-family homes, although a few scattered lots remain vacant. Additionally, the applicant proposes a minor partition in the RSF zone (noted as “RL” above) that does not create any newstreets.*

*The conditions of both subsections 3 and 4 above being met, the applicant requests a waiver of standard street improvements that may otherwise be required according to this code, including the waiver of sidewalk improvements and roadway improvements (including but not limited to roadway widening, curbs, paving and drainage facilities).*

*The construction of these improvements along a short, 165-foot stretch of 4,000-foot long Doe Lane does not significantly improve transportation operations or safety.*

*As a condition of the requested waiver of street improvements above, the applicant will agree to sign and cause to be recorded a waiver of remonstrance against the formation of a future local improvement district. Such a local improvement district would be the best path forward for area-wide improvements to all of the streets in the Cagle Subdivision, including Doe Lane, rather than a scattered and piecemeal approach of improving a very small, island-like portion of the adjacent roadway to no significant overall benefit to the public as a whole.*

## **CHAPTER 15.92. - ADDITIONAL STANDARDS FOR LAND DIVISIONS**

### **Sec. 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.*

**Response:** *The subject property is located within the previously platted Cagle Subdivision. The applicant does not propose any streets with this minor partition application, and there is no opportunity to create a street with this existing lot that measures 165 feet by 305 feet. As such, no blocks will be created and this subsection does not apply.*

- 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.*

**Response:** *As discussed in the responses to LDC 15.18.400 above, the proposed parcels meet the lot size requirements of the RSF zone. As shown on the submitted tentative plan, the proposed parcels, which will be sewerred, are sized at no less than a quarter acre in area, are virtually flat and shaped to be suitable for constructing single-family homes, the intended use.*

- 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.*

**Response:** *As shown on the submitted tentative plan, each proposed parcel abuts Doe Lane, a public street, for at least 50 feet, with the exception of parcel 3 where the flag pole abuts the street for 30 feet in accordance with the flag lot rules.*

- 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.*

**Response:** *As shown on the submitted tentative plan, the side lot lines are at right angles to the Skidgel Road right-of-way as near as practicable.*

- E. Division by boundary, ROW and drainage ways. No lot or parcel shall be divided by the boundary line of the city, county or other taxing or service*



*district, or by the right-of-way of a street, utility line or drainage way, or by an easement for utilities or other services, except as approved otherwise.*

**Response:** *The proposed parcels are not divided by a right-of-way, City or County boundary line, and the applicant is unaware of any other taxing or service district line that divides the proposed parcels. The applicant does not propose or anticipate any future utility line, drainage way or easement that would bisect any of the parcels created with this minor land partition.*

- 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.*

**Response:** No grading, cutting or filling of the subject property or resultant parcels is proposed with this land division application. Any such future grading that may occur shall conform with the provisions of this subsection.

- 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.*

**Response:** No through or double-frontage parcels are proposed with this land division.

- 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.*

**Response:** No special building setback lines are proposed with this partition application.

- 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.*

**Response:** The subject property is 1.15 acres in size. The proposed land division is for three parcels, resulting in a density of 2.6 units per acre, within the stated density range of 1-7 units per acre for land in the RSF zone according to Table 15.18-2 above. As such, future redivision is unlikely, and it is unnecessary to apply any additional size, shape or other special provisions to the parcels created with this partition.

**Sec. 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.*

**Response:** *At the time of this partition application, no public utility has identified a need for a facility or associated easement to encumber the subject property.*

- B. *Water courses. If a tract is traversed by a water course, such as a drainag 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.*

**Response:** *No water courses traverse the subject property, and therefore this criterion does not apply.*

- 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.*

**Response:** *No cul-de-sac exists or is proposed by the applicant on or near the subject property. And as the abutting property to the west is already developed with a single-family dwelling and large accessory structures, there is no opportunity to provide a pedestrian or bicycle way connecting Doe Lane to Pine Drive to the West.*

- 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.*

**Response:** *Sewer and water mains already exist fully within the right-of-way of Doe Lane, and no additional sewer or water mains are necessary to service the subject development or surrounding properties.*

**Sec. 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.

**Response:** The applicant is unaware of any public need for the subject property, aside from the Doe Lane right-of-way dedication discussed previously, and therefore does not anticipate the provisions of this section apply to this minor land partition request.

## **Article 9 - LAND DIVISIONS**

### **CHAPTER 15.410. - LAND PARTITIONS**

#### **Sec. 15.410.030. - Decisions - partitions.**

- A. Minor partition. Review of a minor partition shall follow the Type II review procedures in [article 7](#).
- B. Major partition. Review of a major partition shall follow the Type III review procedures in [article 7](#).

**Response:** The proposed land partition does not create any new streets and is therefore considered a minor partition, to be processed by a Type II review procedure.

- 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.*

**Response:** A series partition is defined under ORS Chapter 92 as a series of partitions creating four or more parcels within one calendar year. The subject property has not been partitioned in this calendar year and so the series partition requirements of this subsection do not apply to the partition application at hand.

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](#).

**Response:** The applicant will cause a final partition map to be prepared according to applicable procedures in La Pine Development Code.

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.

**Response:** This burden of proof statement illustrates compliance with all applicable zoning regulations affecting the proposed partition, including density, lot area, dimensions, setbacks and coverage.

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

**Response:** As discussed prior in this burden of proof statement, each parcel is suitable for the intended use of future single-family dwellings. Sewer and water mains are available in the adjoining right-of-way of Doe Lane, and each parcel has the minimum required frontage on the same. Additionally, power, fiber optic and telephone utilities are present in Doe Lane adjacent to the subject property.

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.

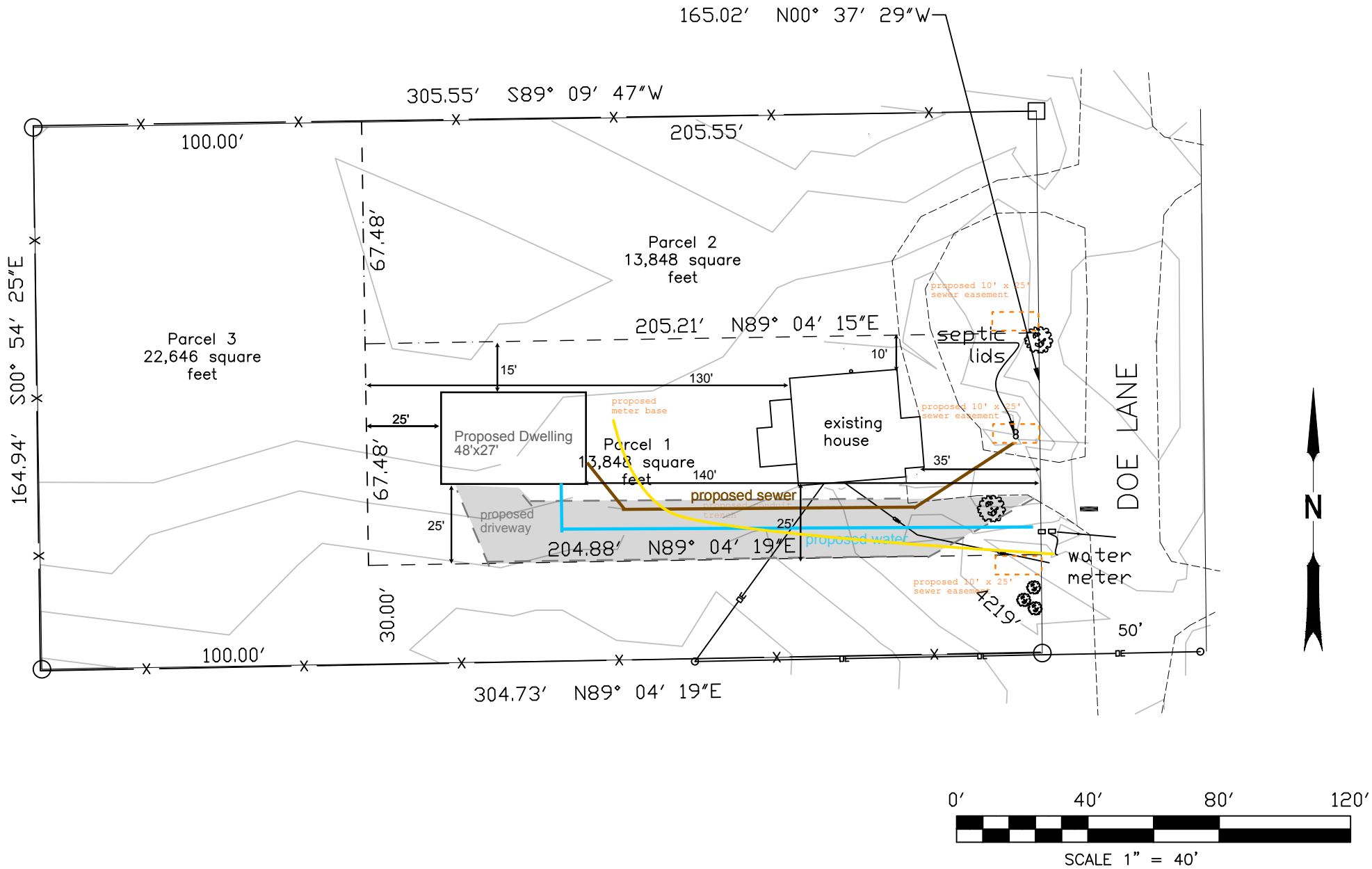
**Response:** Properties adjacent to the proposed partition are all zoned Residential Single-Family (RSF), as is the subject property itself. The proposed partition is identified for residential use, and no adverse impacts are expected on adjacent properties also zoned for residential use.

*This minor partition adds only two additional parcels to the much larger Cagle Subdivision; these additional parcels are expected to have no significant adverse impact on public services, facilities or resources.*

- 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.*

***Response:*** *The applicant will cause any survey or improvements necessary for the approval of this partition application and final plat recordation.*

***SUMMARY:*** *As illustrated above, the request for tentative plan approval for the proposed land partition meets all relevant criteria and standards of La Pine Development Code, and approval of the same is hereby requested.*





7/12/2024

## Vicinity Map

S.W.1/4 SEC.36 T.21S. R.10E. W.M.  
DESCHUTES COUNTY  
1" = 200'

21 10 36C0  
& INDEX

Cancelled Nos.  
103  
108  
108U1  
108U2  
113  
503  
504  
506  
2601  
2900 thru 3600  
4400  
5300 thru 6200  
6900  
7100  
7700 thru 8600  
8800 thru 8900

21 10 36C0  
& INDEX





15 Oregon Ave., Bend, OR 97703  
PHONE (541) 389-7711 FAX (541) 389-0506

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## **PRELIMINARY TITLE REPORT ATTACHED**

**Date:** February 28, 2025      **File No.:** 670137AM  
**Property:** 52563 Doe Ln, La Pine, OR 97739  
**Buyer:** GEU Development  
**Seller:** Peg J. Gomes

*In connection with the above referenced transaction, we are delivering copies of the Preliminary Title Report to the following parties:*

***Listing Agent:***

La Pine Realty  
PO Box 377  
La Pine, OR 97739  
Attn: Guy Tavares

***Selling Agent:***

Knightsbridge International Real Estate  
920 NW Bond, Ste. 107  
Bend, OR 97703  
Attn: Derek Plant



15 Oregon Ave., Bend, OR 97703  
PHONE (541) 389-7711 FAX (541) 389-0506

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## Preliminary Title Report

Subject to conditions and stipulations contained therein

Your contacts for this transaction are as follows:

**Escrow Officer:**

Jillian Pickle  
57100 Beaver Dr., Bldg. 5, Ste. 130, PO  
Box 4325  
Sunriver, OR 97707  
jillian.pickle@amerititle.com  
(541) 593-1613

**Title Officer**

Carrie A Stewart  
15 Oregon Ave.  
Bend, OR 97703  
Carrie.Stewart@amerititle.com  
(541) 389-7711

**Email escrow closing documents to:**

sunriver@amerititle.com



15 Oregon Ave., Bend, OR 97703  
PHONE (541) 389-7711 FAX (541) 389-0506

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In an effort to assure that your transaction goes smoothly, please review the following checklist and contact your Escrow Officer or Title Officer if you answer “Yes” to any of the following:

- ❖ **Will you be using a Power of Attorney?**
- ❖ **Are any of the parties in title incapacitated or deceased?**
- ❖ **Has there been any recent change in marital status of the principals?**
- ❖ **Will the property be transferred into or from a trust, partnership, corporation or Limited Liability Company?**
- ❖ **Has there been any construction on the property in the last six months?**

Remember, all parties signing documents must have a current driver’s license or other valid, government issued photo I.D.



AmeriTitle, LLC  
15 Oregon Ave., Bend, OR 97703  
PHONE (541) 389-7711 FAX (541) 389-0506

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February 28, 2025  
File Number: 670137AM  
Report No.: 1  
Title Officer: Carrie A Stewart  
Escrow Officer: Jillian Pickle

### PRELIMINARY TITLE REPORT

**Property Address: 52563 Doe Ln, La Pine, OR 97739**

<u>Policy or Policies to be issued:</u>	<u>Liability</u>	<u>Premium</u>
OWNER'S STANDARD COVERAGE	\$192,500.00	\$683.00
Endorsements: OTIRO End 110 Domestic Partner Owners 7-1-21		\$0.00
Proposed Insured: <b>GEU Development</b>		
Local Government Lien Search		\$25.00

We are prepared to issue ALTA (07/01/21) title insurance policy(ies) of Chicago Title Insurance Company, in the usual form insuring the title to the land described as follows:

**Legal description attached hereto and made a part hereof marked Exhibit "A"**

and dated as of 18th day of February, 2025 at 7:30 a.m., title is vested in:

**The Heirs and/or Devisees of Peg. J. Gomes, deceased**

The estate or interest in the land described or referred to in this Preliminary Title Report and covered herein is:

FEE SIMPLE

**Except for the items properly cleared through closing, Schedule B of the proposed policy or policies will not insure against loss or damage which may arise by reason of the following:**

**GENERAL EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject Land onto adjoining Land or of existing improvements located on adjoining Land onto the subject Land) encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental, or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

EXCEPTIONS 1 THROUGH 5 ABOVE APPLY TO STANDARD COVERAGE POLICIES AND MAY BE MODIFIED OR ELIMINATED ON AN EXTENDED COVERAGE POLICY.

**SPECIAL EXCEPTIONS:**

6. City liens, if any, of the City of La Pine.

None as of the effective date herein.

7. A Deed of Trust, including the terms and provisions thereof, to secure the amount noted below and other amounts secured thereunder, if any:

Amount: \$78,000.00

Trustor/Grantor: Peg J. Gomes

Trustee: Fidelity National Title Company of Oregon

Beneficiary: Wells Fargo Bank, N.A.

Dated: October 16, 2021

Recorded: October 28, 2021

Instrument No.: [2021-60654](#)

8. Request for Notice of Transfer or Encumbrance

Requester : Oregon

Recipient : Peg J. Gomes

Recorded: July 31, 2024

Instrument No.: [2024-19524](#)

In accordance with Oregon Revised Statutes 93.268 and 411.694, the Oregon Department of Human Services or the Oregon Health Authority has recorded the above request that it be notified by a title company of any transfer or encumbrance of this property within 30 days of the title company issuing title insurance. To give notice, use DHS Form 0524. Notice of Transfer or Encumbrance, and mail it timely to the address shown on the recorded request.

9. Due probate and administration of the Estate of Peggy Joyce Gomes deceased, which proceedings are pending in the Circuit Court for Deschutes County, Oregon.  
Probate No.: 24pb03443  
Personal Representative: Michael A. Gomes  
Attorney for Estate: Patricia Louise Nelson
10. The Company will require a copy of the Operating Agreement (including any approvals of withdrawal of member(s) or acceptance of new member(s)) and the Articles of Organization of GEU Development, LLC for its examination prior to closing. Any conveyance or encumbrance of the Limited Liability Company's property must be executed by all of the members unless otherwise provided for in the Operating Agreement.

The Company reserves the right to add additional items or make further requirements after review of the requested documentation.

#### **INFORMATIONAL NOTES:**

NOTE: We find no activity in the past 24 months regarding transfer of title to subject property.

NOTE: As of the date hereof, there are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties:

GEU Development, LLC

NOTE: [Taxes](#) assessed under Code No. 1-109 Account No. 114240 [Map](#) No. 211036C0 00601

The 2024-2024 Taxes: \$1,278.40, are paid.

(Includes \$66.25 Fire Patrol)

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

NOTE: Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the parties to the transaction must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.

NOTE: Due to current conflicts or potential conflicts between state and federal law, which conflicts may extend to local law, regarding marijuana, if the transaction to be insured involves property which is currently used or is to be used in connection with a marijuana enterprise, including but not limited to the cultivation, storage, distribution, transport, manufacture, or sale of marijuana and/or products containing marijuana, the Company declines to close or insure the transaction, and this Preliminary Title Report shall automatically be considered null and void and of no force and effect.

THIS PRELIMINARY TITLE REPORT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

This report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued and the full premium paid.

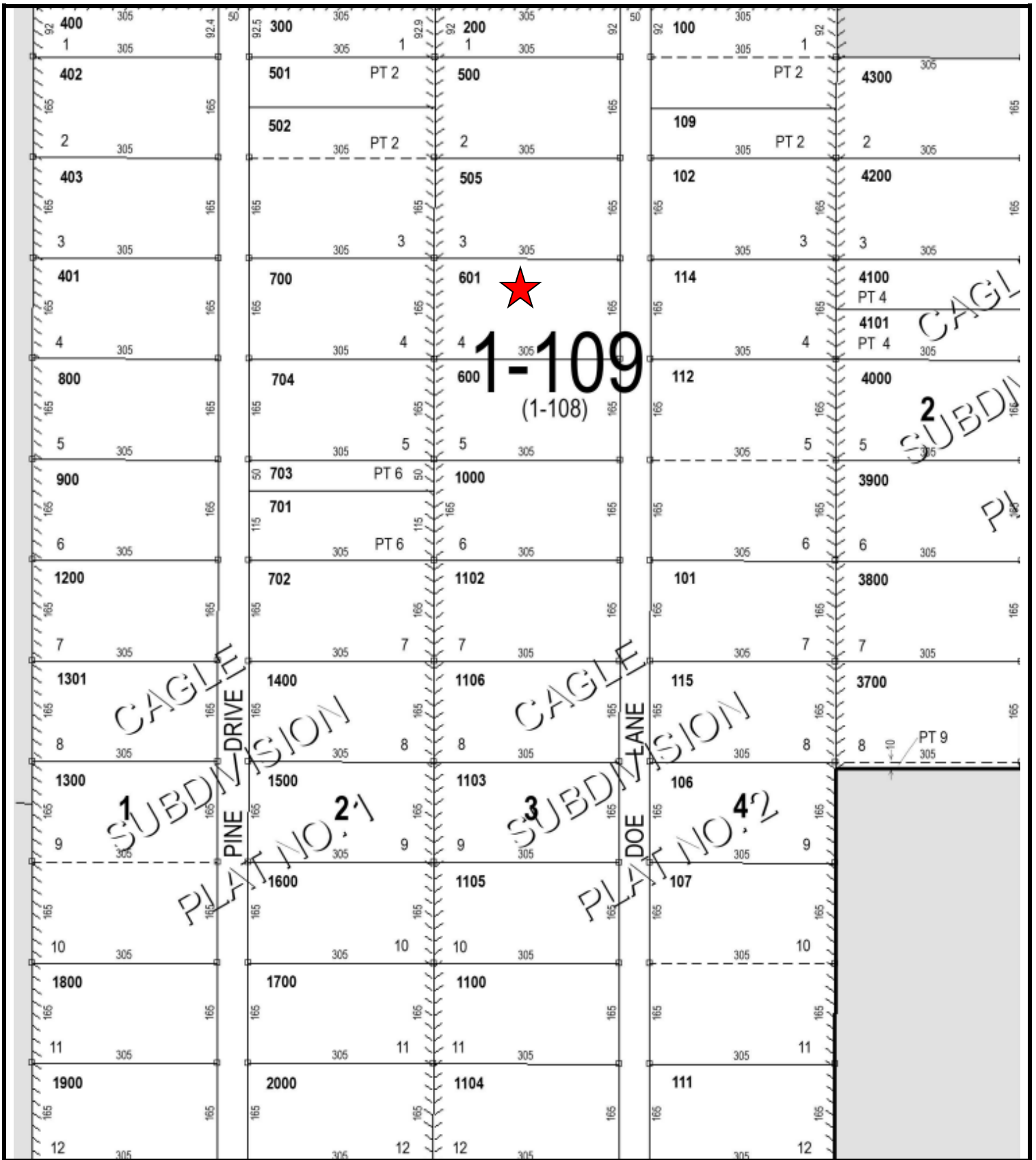
**End of Report**

***"Superior Service with Commitment and Respect for Customers and Employees"***

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

Lot 4, Block 3, Cagle Subdivision, Plat No. 2, recorded March 27, 1959, in Cabinet A, Page 319, Deschutes County, Oregon.





52563 Doe Ln  
La Pine, OR 97739

THIS MAP IS FURNISHED AS AN ACCOMMODATION STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THEREOF