



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

Elm Dr.

## Partition Application

File Number # PA-25-0004

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

### PROPERTY OWNER AND APPLICANT INFORMATION

Applicant Name Stephen Williams Phone 541-325-2639 Fax —  
 Address 19781 Astro Pl. City Bend State OR Zip Code 97702  
 Email Stephen@PreparetheWay.us  
 Property Owner John 3:16 Properties, LLC Phone 541325-2639 Fax —  
 Address 19781 Astro Pl. City Bend State OR Zip Code 97702  
 Email stephen@preparetheway.us

### PROPERTY DESCRIPTION

Property Location (address, intersection of cross street, general area) No Address -  
The Property is on the West side of Elm Drive  
 Tax lot number <sup>21 10</sup>~~T-15~~ R-13 Section 36BA Tax Lot(s) 01100  
 Zoning RSF Total Land Area 42,819 (Square Ft.) 0.983 (Acres)  
 Present Land Use Vacant Land in a Residential Area



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**PROJECT DESCRIPTION**

Describe Project: A Type II application for a 3  
Parcel Partition.

**PROFESSIONAL SERVICES**

Surveyor/Engineer Freshwaters Surveying LLC Phone 541-593-8792 Fax 541-593-1792  
 Address P.O. Box 4524 City Sunriver State OR Zip Code 97707  
 Email sfreshwaters@chamberscable.com

**FOR OFFICE USE ONLY**

Date Received: 4/30/25  
 Rec'd By: TW  
 Fee Paid: 4/30/25  
 Receipt #: 10,000003738 CH 1942

**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) <sup>?</sup> 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 <sup>?</sup> (Adobe or Jpeg preferred).
- ✕ <sup>?</sup> Tentative Plan. Seven (7) <sup>?</sup> 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.



# BURDEN OF PROOF

APPLICANT: Stephen Williams  
19781 Astro Place  
Bend, OR 97702

OWNER: JOHN3:16 PROPERTIES LLC  
19781 Astro Place  
Bend, OR 97702

LOCATION: The subject property does not have a site address. It is located on the west side of Elm Drive near the north end of said Drive. It is Tax Lot 01100 of Map 21-10-36BA.

REQUEST: The applicant is requesting to partition the subject property into three lots.

## I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA

City of La Pine Development Code

Article 3. Zoning Districts

Section 15.18, Residential Zones

Article 9. Land Divisions

Section 15.402, General Provisions

Section 15.410, Land Partitions

Section 15.418, Processing and Recording Procedures

Oregon Revised Statute

Chapter 92, Subdivisions and Partitions

II. BASIC FINDINGS

ZONING: The subject property is zoned Residential Single Family (RSF) with no overlay zones.

PARCEL SIZE: The subject property is 0.98 acre in size.

LOT LEGALITY: The subject property was originally platted as Lot 11 within Block 3 of the Cagle Subdivision Plat No. 4, recorded in October of 1960.

PROPOSAL: The applicant proposes to partition the subject property into three parcels mapped on the next page. No further development is proposed at this time.

EXISTING DEVELOPMENT: The subject property is currently undeveloped and is rectangular in shape. Vegetation is Antelope Bitterbrush and Lodgepole Pine Trees. The property slopes at a rate of 2% downward north to south.

SURROUNDING LAND USES: Surrounding properties are zoned Residential Single Family that are similar in shape and size.



### III. FINDINGS OF FACT

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

#### Article 3, Zoning Districts

#### Chapter 15.18 – Residential Zones

##### Section 15.18.200, Characteristics of the Residential Zones

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

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

RESPONSE: The subject property is zoned Residential Single Family (RSF). Applicable criteria are discussed below.

##### Section 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: A 3-parcel partition is proposed, with no further development at this time, therefore these criteria are not applicable. The proposed parcel sizes could reasonably fit a use allowed within the RSF zone while meeting applicable development standards.

Section 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*

<i>Standard</i>	<i>RSF</i>	<i>RMF</i>
<i>Minimum Density</i>	<i>1 unit per acre</i>	<i>5 units per acre</i>
<i>Maximum Density</i>	<i>7 units per acre</i>	<i>40 units per acre</i>
<i>Minimum Lot Size</i>	<i>None</i>	<i>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.</i>
<i>Minimum Street Frontage</i>	<i>50 feet 35 feet on cul-de-sac street 25 feet for townhomes</i>	<i>50 feet 35 feet on a cul-de-sac street 25 feet for townhomes</i>
<i>Minimum Setbacks</i>	<i>-</i>	<i>-</i>
<i>- Front of Street-Side Yard</i>	<i>20 feet</i>	<i>20 feet</i>
<i>- Side Yard</i>	<i>10 feet None for townhomes</i>	<i>10 feet None for townhomes</i>
<i>- Rear Yard</i>	<i>20 feet</i>	<i>20 feet</i>
<i>Maximum Building Height</i>	<i>45 feet</i>	<i>45 feet</i>
<i>Maximum Lot Coverage</i>	<i>75% for townhomes 50% for all other uses</i>	<i>75% for townhomes 50% for all other uses</i>
<i>Minimum Landscaped Area</i>	<i>See Chapter 15.82</i>	

RESPONSE: A 3-parcel partition is proposed. All three Parcels will be 14,288 square feet more or less. While no development is proposed at this time, the proposed lots are large enough to accommodate a use in the RSF zone while complying with the setback and lot coverage requirements of LPDC Table 15.18-2. Compliance with Section 15.18.400 to be reviewed once development is proposed.

Section 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: No development is proposed at this time, therefore compliance with LPDC Section 15.18.500 will be reviewed once development is proposed.

Article 5, Development Standards

Chapter 15.80 – Development Standards, Generally

Section 15.80.030, Exemption – Lot Size Requirements

- A. *The following exemptions to minimum lot size requirements shall apply:*
1. *Non-conforming lots or aggregate of contiguous lots or parcels held in a single ownership has an area or dimensions which do not meet the lot size or dimensional requirements of the applicable zone, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone; providing, however, residential use shall be limited to single-family dwelling unit or to the number of dwelling units consistent with the equivalent densities of the zone.*
  2. *Any parcel of land or portion thereof, which is to be dedicated to a public, semi-public or public utility for a park, school, road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements of this chapter and the applicable zone.*
- B. *For all other lot size requirements in all other zones, applicants may propose approval of exceptions or variances in accordance with the application requirements in article 8.*

RESPONSE: The applicant is not requesting an exemption to the lot size requirements for the RSF zone, therefore these criteria are not applicable.

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.*

**The applicant will pay the fee in lieu of constructing sidewalks**, and all sewer and water lines will be underground and service all 3 proposed parcels, 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.*

RESPONSE: Comments and requirements on similar projects in the area did not indicate the need for oversizing; therefore, 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.*

RESPONSE: It is assumed, based on recent similar projects in the area, that 7.00' of Elm Drive will be required to be dedicated, which is reflected in the tentative plan. The applicant was informed numerous times by City Planners that no improvements or fees in lieu of construction (other than sidewalks) would be required of Elm Drive as part of this application.

- 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.*

RESPONSE: This 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.*
- 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: The Applicant believes no deficiencies are in the existing water or sewer systems.

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.*

RESPONSE: No development is proposed at this time. Compliance with LPDC Section 15.90.040 will be addressed at the time building permits are applied for.

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

RESPONSE: All new 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.*

RESPONSE: The applicant is not proposing a new subdivision; 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.*

RESPONSE: The applicant is not requesting 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.*

RESPONSE: This 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.*

RESPONSE: This proposal does not include the reconstruction or modification of public roads. 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.*

RESPONSE: This proposal does not include any temporary public roads or highway detours. 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.*

RESPONSE: This proposal does not include the minor betterment of any of the existing public road facilities mentioned above. 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.*

RESPONSE: This proposal does not include the construction, reconstruction, or modification of a public street that is identified in the TSP or STIP. This criterion is not applicable.

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

RESPONSE: This proposal does not include the design, construction, operation, or maintenance of a tourist-oriented or public wayside. 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.*

RESPONSE: Preliminary talks with City Planning 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.*

RESPONSE: This proposal does not include 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.*

RESPONSE: The Applicant does not believe there is a need for additional access ways.

- 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 Applicant does not anticipate the need for future street extensions as detailed above.

- 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: To meet the minimum road width, it is assumed 7.00 feet of Elm Drive will be required to be

dedicated, as shown on the tentative plan.

- 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: The Applicant was informed by City Planners that sidewalk improvements on Elm Drive would be required, or a fee in lieu of. **The Applicant plans to pay the fee in lieu of sidewalk construction.**

- 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: The Applicant does not believe bike lanes would be required for this project.

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

RESPONSE: There is no cul-de-sac proposed or existing anywhere near this project.

- 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 Applicant does not believe that 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 would be required for this project.

- 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 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.*

RESPONSE: This proposal does not include reserve strips.

- 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.*

RESPONSE: This proposal does 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.*

RESPONSE: This proposal does 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.*

RESPONSE: This proposal does 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.*

RESPONSE: This proposal does 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.*

RESPONSE: This proposal does 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.*

RESPONSE: This proposal does 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.*

RESPONSE: This proposal does 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.*

RESPONSE: The need for any alleys does not seem applicable for this project. 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.*

RESPONSE: This proposal does not include any new streets; therefore, this criterion is not applicable.

- 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 Applicant does not believe street lights would be required for this project.

- 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: The Applicant will make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities.

- 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 Applicant does not believe, nor was informed in any preliminary talks with City Planning, that drainage facilities would be required as part of this application. All drainage and further development requirements will be addressed at the time building permits are applied for.

- 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: This proposal does not include the addition of a gate; 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.*

RESPONSE: The proposed partition is not required under any of the criteria listed under subsection B of this section.

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.*

RESPONSE: The proposed three parcel partition does not create any new blocks; therefore, the above 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.*

RESPONSE: The proposed three parcel partition does not include plans for future development at this time, however based on the setbacks and development regulations of the Residential Single- Family zone, residential development will be feasible on each newly created parcel.

- 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: All three parcels front on Elm Drive which is classified as a City maintained public road. The three parcels have a frontage of 73.3 feet, meeting the criteria.

- 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: Each newly created lot line will run at right angles from Elm Drive.

- 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 three parcel partition does not divide the property by any of the above listed means.

- 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: The proposed three 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, grading, cutting and filling of building lots or sites shall conform to LPDC Section 15.92.010(F) at the time building is applied for.

- 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: Not applicable.

- 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: The 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.*

RESPONSE: Being that all three parcels are rectangular and similar in size, they are proposed so that future redivision is possible.

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.*

RESPONSE: The easement for the sewer service is shown on the attached tentative plan. Any easements required by public utilities will comply with this section at the time of development.

- 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.*

RESPONSE: The subject property is not traversed by a water course; 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.*

RESPONSE: The Applicant does not believe that an added pedestrian or bicycle way due to the proposed parcels size, orientation, and proximity to existing sidewalks is 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.*

RESPONSE: The proposed partition shows the 7.5'x25' sewer service easements. All other utility lines are available within the existing right of way of Elm Street with no easements upon the three parcels anticipated.

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.*

RESPONSE: The Applicant does not believe there is any need for the City to acquire a portion of the proposed parcels for any other public purpose.

#### 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 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.*

RESPONSE: The Applicant shall not commence development until plans have been reviewed and approved by the City.

- 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.*

RESPONSE: The Applicant shall not commence improvement until after the city has been notified and approval has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval 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.*

RESPONSE: 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.*

RESPONSE: Work will be constructed under the inspection and approval of an inspector designated by the city.

- 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.*

RESPONSE: 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.*

RESPONSE: The Applicant does not believe as built plans for any public improvements shall be required.

#### 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.*

RESPONSE: The Applicant believes, and was told by City Planners, that the only public improvements that would be required as part of this partition would be sidewalks. **The Applicant plans to pay the fee in lieu of sidewalk construction.**

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.*

RESPONSE: The applicant is applying for a three-parcel partition, which will be 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.*

RESPONSE: The three parcel partition does not meet any of the above exemptions, 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.*

RESPONSE: The three parcel partition is considered a minor partition and will be reviewed in accordance with Type II review procedures.

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

RESPONSE: The three 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.*

RESPONSE: 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 this proposal, the 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.*

RESPONSE: Relevant criteria would 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.*

RESPONSE: As discussed herein, this three parcel partition is in compliance with the applicable zoning regulations for the Residential Single Family zone.

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.*

RESPONSE: As discussed previously, each newly created parcel will be suited for uses listed in the Residential Single Family 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.*

RESPONSE: Based on this proposal, public services will be reasonably 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.*

RESPONSE: This proposed partition will not have identifiable adverse impacts on adjoining or area land uses, public services and facilities, resource carrying capacities or on any significant resources.

#### 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.*

RESPONSE: Within two years of the approval of a partition, the Applicant will have Freshwaters Surveying LLC prepare and submit to City Planning a final partition map and any other materials or documents required by the approval.

IV. CONCLUSION

Based on the foregoing findings, the Applicant believes that the proposed partition can comply with the applicable standards and criteria of the City of La Pine Development Code.

*intervals which will permit a subsequent redivision of any tract of land into lots or parcels of smaller sizes than originally platted.*

RESPONSE: Being that all three parcels are rectangular and similar in size, they are proposed so that future redivision is possible.

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.*

RESPONSE: The easement for the sewer service is shown on the attached tentative plan. Any easements required by public utilities will comply with this section at the time of development.

- 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.*

RESPONSE: The subject property is not traversed by a water course; 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.*

RESPONSE: The Applicant does not believe that an added pedestrian or bicycle way due to the proposed parcels size, orientation, and proximity to existing sidewalks is applicable.

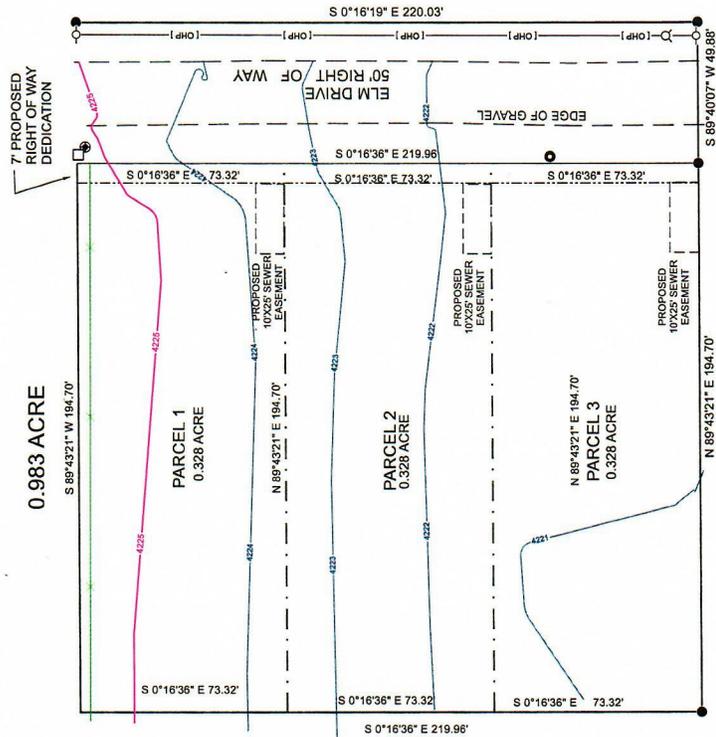
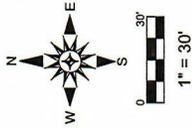
- D. *Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the city public works department and/or water and sewer district.*

RESPONSE: The proposed partition shows the 10'x25' sewer service easements. All other utility lines are available within the existing right of way of Elm Street with no easements upon the three parcels anticipated.

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*

TENTATIVE PLAN OF A 3 PARCEL PARTITION  
 LOT 11 BLOCK 3, CAGLE SUBDIVISION, PLAT NO. 4  
 SITUATE IN THE NE 1/4 NW 1/4 OF SECTION 36, TOWNSHIP  
 21 S., RANGE 10 E.W.M., CITY OF LAPINE, DESCHUTES COUNTY, OREGON



NOTES:  
 THE ELEVATIONS SHOWN ARE NAVD 88 DATUM.

LEGEND	
●	FOUND A BOUNDARY MONUMENT OF RECORD
□	MEC ELECTRIC POWER RISER
○	WATER VALVE IN 3 FOOT DIAMETER CONCRETE THRUST BLOCK
⊕	FIRE HYDRANT
⊗	BROADBAND COMMUNICATIONS RISER
⊙	MIDSTATE ELECTRIC POWER POLE
—	OVERHEAD ELECTRIC POWER

5/13/25  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 SCOTT C. FRESHWATERS  
 JANUARY 15, 1987  
 RENEWS 12/31/2025

REV 1 SEWER EASE 5/13/25  
 FRESHWATERS SURVEYING INC.  
 SCOTT C. FRESHWATERS PLS  
 P.O. BOX 4624  
 SUNRIVER, OREGON 97707  
 541-593-1792 OFFICE  
 APRIL 23, 2025  
 CLIENT: STEPHEN WILLIAMS  
 PROJECT NO. 11344



211036BA01100  
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



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

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February 21, 2025  
File Number: 668525AM  
Report No.: 3  
Title Officer: Emily Kennedy  
Escrow Officer: Kellie Cobb

**PRELIMINARY TITLE REPORT**

**Property Address: 211036BA01100, La Pine, OR 97739**

<u>Policy or Policies to be issued:</u>	<u>Liability</u>	<u>Premium</u>
OWNER'S STANDARD COVERAGE	\$105,000.00	\$463.00
Endorsements: OTIRO End 110 Domestic Partner Owners 7-1-21 OTIRO 110 – No charge		\$0.00
Proposed Insured: <b>John3:16 Properties, LLC</b>		

We are prepared to issue ALTA (07/01/21) title insurance policy(ies) of Old Republic National 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 10th day of February, 2025 at 7:30 a.m., title is vested in:

**Kathaleen Baker and Toby Baker, as tenants by the entirety**

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. [Taxes](#) assessed under Code No. 1108 Account No. 141143 [Map](#) No. 211036BA01100  
The 2024-2025 Taxes: \$183.39 (Includes \$18.75 for Fire Patrol)  
Balance Due: \$5.50, plus interest, unpaid.
7. Effect, if any, of a Quit Claim Deed,  
From: Kathaleen Baker and Toby Baker  
To: Baker Family Trust dated May 9, 2013  
Recorded: May 13, 2013  
Instrument No.: [2013-19453](#)
8. According to the available County Assessor's Office records, the Land is purported to have no improvements and/or is non-owner occupied. Upon confirmation that the seller's identity has been verified, the Company may amend this Preliminary Title Report to add, among other things, additional exceptions or requirements.

**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:

John 3:16 Properties, LLC

NOTE: This Report No. 3 was updated to reflect the following changes:

1. Revise Vesting

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 11, Block 3, Cagle Subdivision, Plat No. 4, recorded October 6, 1960, in Cabinet A, Page 308, Deschutes County, Oregon.



Deschutes County Official Records	<b>2025-04209</b>
D-D	
Stn=6 DR	<b>02/24/2025 09:29 AM</b>
\$10.00 \$11.00 \$10.00 \$61.00 \$6.00	<b>\$98.00</b>
I, Steve Dennison, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Official Records.	
Steve Dennison - County Clerk	

After recording return to:  
John3:16 Properties, LLC  
19781 Astro Pl  
Bend, OR 97702

Until a change is requested all tax statements shall be sent to the following address:  
John3:16 Properties, LLC  
19781 Astro Pl  
Bend, OR 97702  
File No. 668525AM

**STATUTORY WARRANTY DEED**

**Kathaleen Baker and Toby Baker, as tenants by the entirety ,**  
Grantor(s), hereby convey and warrant to

**John3:16 Properties, LLC, an Oregon limited liability company**

Grantee(s), the following described real property in the County of Deschutes and State of Oregon free of encumbrances except as specifically set forth herein:

**Lot 11, Block 3, Cagle Subdivision, Plat No. 4, recorded October 6, 1960, in Cabinet A, Page 308, Deschutes County, Oregon.**

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

**211036BA01100      141143**

**The true and actual consideration for this conveyance is \$105,000.00.**

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

Real property taxes due, if any, but not yet payable



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

Dated: February 21, 2025

Kathaleen Baker  
Kathaleen Baker

Toby Baker  
Toby Baker

State of Florida

County of Polk County

On this 21st day of February 2025, before me, the undersigned, a Notary Public in and for said state, personally appeared **Kathaleen Baker and Toby Baker**, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged that he/she/they executed the same. Who provided a drivers license as identification.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

MCh Mikhail Clarke HH 566035  
Notary Public for the State of Florida  
Residing at: Polk County Florida  
Commission Expires: 06/26/2028

