

## ORDINANCE NO. 2025-04

### **AN ORDINANCE OF THE CITY OF LA PINE AMENDING PART III – CITY OF LA PINE DEVELOPMENT CODE, ADOPTING ADDITIONAL PROCEDURAL CLARITY, STREAMLINING APPLICATION PROCESSES, AND EXPANDING OPTIONS FOR LOCAL RESIDENTS, AND DECLARING AN EMERGENCY**

WHEREAS, the La Pine Development Code contains several sections that require amendments to bring the code into compliance with State law, and to remove references to outdated or removed State Statutes or City of La Pine Code language; and

WHEREAS, other sections of the City of La Pine's Development Code requires amendments to clarify language and intent, codify existing practices, and provide clear and objective criteria within the code criteria; and

WHEREAS, the City of La Pine Planning Commission held a public hearing on the proposed language on November 19, 2025, and recommends adoption of the proposed amendments.

NOW, THEREFORE, the City of La Pine ordains as follows:

Section One: The above recitals are adopted into and made a part of this Ordinance 2025-04 as the City's findings of fact.

Section Two: La Pine Development Code CHAPTER 15.22. – COMMERCIAL AND MIXED-USE ZONES, is amended to read as depicted on the attached Exhibit A, with additions underlined and deletions ~~struck through~~.

Section Three: La Pine Development Code CHAPTER 15.24. – INDUSTRIAL AND PUBLIC FACILITY ZONES, is amended to read as depicted on the attached Exhibit B, with additions underlined and deletions ~~struck through~~.

Section Four: La Pine Development Code CHAPTER 15.36. – FLOODPLAIN OVERLAY ZONE, is amended to read as depicted on the attached Exhibit C, with additions underlined and deletions ~~struck through~~.

Section Five: La Pine Development Code CHAPTER 15.40. – DOWNTOWN OVERLAY ZONES, is amended to read as depicted on the attached Exhibit D, with additions underlined and deletions ~~struck through~~.

Section Six: La Pine Development Code CHAPTER 15.80. – DEVELOPMENT STANDARDS, GENERALLY, is amended to read as depicted on the attached Exhibit E, with additions underlined and deletions ~~struck through~~.

Section Seven: La Pine Development Code CHAPTER 15.82. – LANDSCAPING, BUFFERING AND FENCES, is amended to read as depicted on the attached Exhibit F, with additions underlined and deletions ~~struck through~~.

Section Eight: La Pine Development Code CHAPTER 15.86. – PARKING AND LOADING, is amended to read as depicted on the attached Exhibit G, with additions underlined and deletions ~~struck through~~.

Section Nine: La Pine Development Code CHAPTER 15.88. – ACCESS AND CIRCULATION, is amended to read as depicted on the attached Exhibit H, with additions underlined and deletions ~~struck through~~.

Section Ten: La Pine Development Code CHAPTER 15.90. – PUBLIC FACILITIES, is amended to read as depicted on the attached Exhibit I, with additions underlined and deletions ~~struck through~~.

Section Eleven: La Pine Development Code CHAPTER 15.104. – SPECIAL USE STANDARDS – RESIDENTIAL USES AND ACCESSORY USES, is amended to read as depicted on the attached Exhibit J, with additions underlined and deletions ~~struck through~~.

Section Twelve: La Pine Development Code CHAPTER 15.108. – SPECIAL USE STANDARDS – NON-RESIDENTIAL USES, is amended to read as depicted on the attached Exhibit K, with additions underlined and deletions ~~struck through~~.

Section Thirteen: La Pine Development Code CHAPTER 15.202. – SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS, is amended to read as depicted on the attached Exhibit L, with additions underlined and deletions ~~struck through~~.

Section Fourteen: La Pine Development Code CHAPTER 15.204. – APPLICATION PROCEDURES, is amended to read as depicted on the attached Exhibit M, with additions underlined and deletions ~~struck through~~.

Section Fifteen: La Pine Development Code CHAPTER 15.306. – CERTIFICATE OF USE AND OCCUPANCY, is amended to read as depicted on the attached Exhibit N, with additions underlined and deletions ~~struck through~~.

Section Sixteen: La Pine Development Code CHAPTER 15.308. – ZONING CHECKLIST, is amended to read as depicted on the attached Exhibit O, with additions underlined and deletions ~~struck through~~.

Section Seventeen: La Pine Development Code CHAPTER 15.312. – SITE PLAN REVIEW, is amended to read as depicted on the attached Exhibit P, with additions underlined and deletions ~~struck through~~.

Section Eighteen: La Pine Development Code CHAPTER 15.414. – PROPERTY LINE ADJUSTMENTS, is amended to read as depicted on the attached Exhibit Q, with additions underlined and deletions ~~struck through~~.

Section Nineteen: If any court of competent authority invalidates a portion of ordinance 2025-04, the remaining portions will continue in full force and effect.

Section Twenty: With Ordinance 2025-04 being immediately necessary for health, welfare, and safety of the people of the City of La Pine, an emergency is hereby declared to exist, and this Ordinance 2025-04 shall become effective upon signing.

This Ordinance was PASSED and ADOPTED by the La Pine City Council by a vote of \_\_\_ for, and \_\_\_ against and APPROVED by the mayor on December 10, 2025.

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Jeannine Earls, Mayor

ATTEST:

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Geoff Wulschlager, City Manager

# EXHIBIT A

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 3 – ZONING DISTRICTS

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

##### **Sec. 15.22.100. Purpose.**

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

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

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

- A. *Traditional Commercial Zone (C)*. The C zone allows the widest range of commercial uses and limits residential uses in order to preserve land for commercial needs and maintain compatibility between adjacent uses. A portion of the C zone is located in the Downtown La Pine Overlay Zone. The overlay zone restricts some uses and establishes additional design standards to facilitate the development of a pedestrian-oriented downtown area.
- B. *Commercial/Residential Mixed Use Zone (CRMX)*. The CRMX zone is intended primarily as a smaller scale, service and office commercial district, with associated residential that may consist of upper level units. A live-work design concept within the mixed-use district serves as a buffer between the C zone and residential zones. Commercial uses are allowed in the zone but are limited in order to facilitate a mixed-use development pattern.
- C. *Commercial Mixed-Use Zone (CMX)*. The CMX zone is intended to allow for a wide range of both commercial and residential uses. Unlike the CRMX zone, residential uses are not limited and are allowed to be developed on standalone sites. Some commercial uses that may not be compatible with residential uses are prohibited or limited. The CMX zone allows for flexible uses that can respond to market demand.
- D. *Neighborhood Commercial Zone (CN)*. The CN zone allows commercial uses that are intended to serve neighboring residential neighborhoods and are generally compatible with residential uses.

##### **Sec. 15.22.300. Use regulations.**

## EXHIBIT A

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

- A. *Permitted uses (P)*. Uses allowed outright in the commercial and mixed-use zones are listed in table 15.22-1 with a "P." In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to chapter 15.316, conditional uses.
- B. *Limited uses (L)*. Uses allowed in the commercial and mixed-use zones subject to limitations are listed in Table 15.22-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.22-1. In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to chapter 15.316, conditional uses.
  - 1. *Marijuana facilities in the C and CMX zones*. Allowed marijuana facilities in the C and CMX zone[s] are limited to marijuana testing laboratories. Marijuana production or processing uses are prohibited.
  - 2. *Mixed use development in the CRMX zone*. Nonresidential uses noted with a (2) are allowed in combination with residential uses in the CRMX zone if the nonresidential uses are limited to a total of 60 percent of the gross floor area of all uses in the development. Business parks and funeral homes are prohibited nonresidential uses.
  - 3. *Wireless telecommunication facilities in the CRMX and CMX zones*. Communication antennas mounted on existing buildings, structures, or public utility transmission towers are permitted outright. Communication towers require a conditional use permit.
  - 4. *Retail sales and service in the CMX zone*. Automobile, RV, and truck sales uses require a conditional use permit. Funeral homes are prohibited. All other retail sales and service uses are permitted outright.
  - 5. *Commercial lodging in the CN zone*. Commercial lodging uses in the CN zone are limited to bed and breakfast inns.
  - 6. *Retail sales and service in the CN zone*. Automobile, RV, and truck sales and funeral homes are prohibited in the CN zone. Veterinary clinics and kennels require a conditional use permit. All other retail sales and service uses are permitted outright.
  - 7. *Parks and open areas in the CRMX and CN zones*. Cemeteries require a conditional use permit in the CN zone. All other parks and open areas uses permitted outright.
  - 8. *Self-service storage*. Self-service storage uses are required to have a minimum lot size of five acres. The expansion of existing self-storage facilities must meet the minimum acreage requirement. All areas within 30 feet of storage unit access points or doors shall be paved with an asphalt surface.
- C. *Conditional uses (CU)*. Uses which are allowed if approved through the conditional use review process are listed in Table 15.22-1 with a "CU." These uses are allowed, provided they comply with the conditional use requirements of chapter 15.316, conditional uses. Uses listed with a "CU" that also have a footnote number in the table are subject to the regulations cited in the footnote.

## EXHIBIT A

- D. *Prohibited uses (N).* Uses listed in Table 15.22-1 with an "N" are prohibited. Existing uses in categories listed as prohibited may be subject to the regulations of chapter 15.08, non-conforming uses and structures.

<i>Table 15.22-1. Use Regulations in the Commercial and Mixed-Use Zones</i>					
<i>Use Category</i>	<i>C</i>	<i>CRMX</i>	<i>CMX</i>	<i>CN</i>	<i>Special Use Standards</i>
<i>Institutional Use Categories</i>					
Basic utilities	P	P	P	P	—
Colleges	P	<del>L (2)</del> <u>CU</u>	P	CU	—
Community services	P	<del>L (2)</del> <u>CU</u>	P	CU	—
Daycare centers	P	<del>L (2)</del> <u>CU</u>	P	P	—
Medical centers	CU	N	N	N	—
Parks and open areas	P	<del>L (2)</del> <u>CU</u>	P	L/CU (7)	—
Religious institutions	P	L (2)	P	P	—
Schools	P	<del>L (2)</del> <u>CU</u>	P	P	—

# EXHIBIT B

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 3 – ZONING DISTRICTS

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#### CHAPTER 15.24. – INDUSTRIAL AND PUBLIC FACILITY ZONES

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##### Sec. 15.24.300. Use regulations.

Uses may be designated as permitted, limited, conditional, or prohibited in the industrial and public facility zones. As noted in Table 15.24-1, a use may also be subject to special use standards of article 6.

- A. *Permitted uses (P)*. Uses allowed outright in the industrial and public facility zones are listed in Table 15.24-1 with a "P."
- B. *Limited uses (L)*. Uses allowed in the industrial and public facility zones subject to limitations are listed in Table 15.24-1 with an "L." The limitations are defined below and correspond with the footnote numbers in Table 15.24-1.
  - 1. *Eating and drinking establishments in the LI zone*. Eating and drinking establishments in the LI zone are limited to 2,500 square feet of gross floor area.
  - 2. *Offices in the LI, I, and PF zones*. Offices as a primary use are limited to industrial offices (as defined in section 15.14.235) and government offices that do not include a point-of-service facility. All other office uses must be accessory to a permitted industrial use.
  - 3. *Retail sales and services in the LI zone*. Retail sales and services in the LI zone are limited to 2,500 square feet of gross floor area, except for the following uses:
    - a. Health and fitness centers may exceed the maximum floor area.
    - b. Retail sales of heavy equipment may exceed the maximum floor area with a conditional use permit.
    - c. Retail sales of goods that are displayed outdoors, such as sales of building materials, landscape materials, or garden or farm supplies, may exceed the maximum floor area with a conditional use permit.
  - 4. *Automotive wrecking, salvage, and junk yards*. The storage or sale of junk requires a special license, see section 15.108.040.

5. *General manufacturing and production in the LI zone.* Agricultural processing establishments require a conditional use permit. Energy and power generation uses are prohibited. All other general manufacturing and production uses are permitted outright.
  6. *Warehouse and freight movement in the LI zones.* Truck transportation and loading terminals require a conditional use permit. All other warehouse and freight movement uses permitted outright.
  7. *Community services in the LI zone.* Government buildings and services that do not include a point-of-service facility are permitted. All other uses are prohibited.
  8. *Agriculture in the LI zone.* Agriculture uses in the LI zone are limited to large animal veterinary clinics allowed with a conditional use permit.
  9. *Marijuana facilities in the I zone.* Marijuana testing laboratories are permitted outright. Marijuana processing facilities, production facilities, or wholesalers are allowed with a conditional use permit.
  10. *Retail sales and services in the I and PF zones.* Retail sales and services in the I and PF zones are limited to mobile food unit sites.
  11. *Self-service storage.* Self-service storage uses are required to have a minimum lot size of five acres. The expansion of existing self-storage facilities must meet the minimum acreage requirement. All areas within 30 feet of storage unit access points or doors shall be paved with an asphalt surface.
- C. *Conditional uses (CU).* Uses which are allowed if approved through the conditional use review process are listed in Table 15.24-1 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 15.24-1 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.

<i>Table 15.24-1. Use Regulations in the Industrial and Public Facility Zones</i>				
<i>Use Category</i>	<i>LI</i>	<i>I</i>	<i>PF</i>	<i>Special Use Standards</i>
<i>Residential Use Categories - None Permitted</i>				
<i>Commercial Use Categories</i>				
Eating and drinking establishments	L (1)	L (10)	N <del>L (10)</del>	Mobile food unit sites subject to Section 15.108.070.
<i>Industrial Use Categories</i>				



Automotive wrecking, salvage, and junk yards	<u>L/CU</u> (4)	N	L/CU (4)	Section 15.108.040
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# EXHIBIT C

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 4 – OVERLAY ZONES

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#### CHAPTER 15.36. – ~~FLOODPLAIN~~ SPECIAL FLOOD HAZARD AREA OVERLAY ZONE

**Sec. 15.36.010. - Purpose** Statutory authorization, findings of fact, statement of purpose and methods.

~~The purposes of the flood plain overlay zone are to implement the comprehensive plan; to protect the public from the hazards associated with flood plains; to conserve important riparian areas along river/sloughs and streams for the maintenance of the fish and wildlife resources; and to preserve significant scenic and natural resources while balancing the public interests with those of individual property owners in the designated areas.~~

- A. Statutory Authorization. The State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of La Pine does ordain as follows:
- B. Findings of Fact.
1. The flood hazard areas of the City of La Pine are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
  2. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and, when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.
- C. An overlay zone is a special zoning overlay which is applied over one or more base zones and establishes additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning. This Special Flood Hazard Area (SFHA) overlay zone intends to identify sections of the City subject to the hazards of 100-year periodic stream flooding as determined by the limits and extent of the Special Flood Hazard Area shown on Federal Emergency Management Agency (FEMA) Flood Insurance Map (FIRM) No. 41017C0245D, dated September 28, 2007, and associated Flood Insurance Study No. 19163CV000A, and any revision thereto, or more accurate studies, and to preclude future development or redevelopment that may suffer a loss of life or property in the subject area. Because the natural watercourse of waterways is dynamic and subject to change, the boundaries of the

Special Flood Hazard Area Overlay Zone may be revisited and adjusted, as necessary and warranted.

D. It is the purpose of this Chapter to promote the public health, safety and general welfare, to maintain streams and floodplains in their natural state to the maximum extent practical to reduce flood hazards, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Preserve natural and beneficial floodplain functions;
4. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
5. Minimize prolonged business interruptions;
6. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; streets and bridges located in areas of special flood hazards;
7. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize blight areas caused by flooding;
8. Notify potential buyers that the property is in an area of special flood hazard;
9. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
10. Participate in and maintain eligibility for flood insurance and disaster relief;
11. Minimize the threat to persons, property and urban water quality from flooding and inadequate or improper drainage resulting from uncontrolled development or redevelopment of land to include filling, grading, excavation, removal; earthwork construction including berms and dikes; stockpiling of materials; or other alterations;
12. Ensure that flood loss reduction measures under the National Flood Insurance Program (NFIP) are consistent with retaining natural floodplain functions;
13. Ensure no net loss of hydraulic and geomorphic functions of floodplains;
14. To balance the public interests with those of individual property owners in the designated areas;
15. Allow the functions of the creek to continue, including erosion, deposition, and channel migration;

16. To implement the policies of the City's Comprehensive Plan.

**Sec. 15.36.020. - ~~Designated areas~~ Methods of reducing flood losses.**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study for Deschutes County, Oregon and Incorporated Areas" revised September 28, 2007, with accompanying flood insurance rate maps is hereby adopted by reference and incorporated herein by this reference. The flood insurance study is on file at the Deschutes County Community Development Department. The flood plain zone shall include all areas designated as "Special Flood Hazard Areas" by the flood insurance study for Deschutes County. When base flood elevation data has not been provided in the flood insurance study, the city will obtain, review and reasonably utilize any base flood elevation or floodway data available from federal, state or other sources, in determining the location of a flood plain or floodway.

In order to accomplish its purposes, this Chapter includes methods and provisions for:

- A. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or may increase flood hazards in other areas.

**Sec. 15.36.030. - ~~Use regulations~~ Definitions.**

~~A. Prohibited uses.~~

- ~~1. Marinas, boat slips and boat houses on private property.~~

~~B. Uses permitted outright.~~

~~In addition to the underlying zones and their permitted/conditional uses, the following uses and their accessory uses are permitted outright:~~

- ~~1. Agricultural use conducted without establishing or utilizing a structure. A structure does not include a boundary fence as long as such fence is designed to impede as little as possible the movement of floodwaters and flood-carried material.~~

- ~~2. Management, propagation and harvesting of a forest product.~~
- ~~3. Open space.~~
- ~~4. Portions of a residential use that do not contain structures, such as lawn, garden or play areas.~~
- ~~5. Road or street projects subject to approval as part of a land partition, subdivision or subject to the standards and criteria established by the city that do not involve flood plain development.~~
- ~~6. Excavation, grading and fill for the routine maintenance and repair of existing roads and roadway drainage within the road right-of-way that will have not have an adverse effect on flood waters.~~
- ~~7. Operation, maintenance, and piping of existing irrigation systems operated by an irrigation district.~~
- ~~8. Recreational vehicles provided they meet the standards and criteria established by this chapter.~~

~~C. Conditional uses permitted.~~

~~The following uses and their accessory uses may be allowed subject to applicable sections of this chapter:~~

- ~~1. A roadway, bridge or utility structure, except a landfill, that will not impede the waters of a base flood.~~
- ~~2. Incidental storage of material or equipment that is either not subject to damage by flood, or is mobile and readily removable from the area within time available after flood warning. If such material is not readily removable, it shall be anchored to prevent flotation and shall not obstruct water flow. Material or equipment stored shall include only items which will not create a hazard to the health or safety of persons, property, animals or plant life should the storage area be inundated.~~
- ~~3. Single family dwelling, or a manufactured home on an individual lot. In addition to the other requirements of this Development Code, single family dwellings proposed to be sited in areas of the flood plain overlay zone designated agriculture on the comprehensive plan map may be approved. Single family dwellings proposed to be sited in areas of the flood plain zone designated forest on the comprehensive plan map may be approved and are subject to the applicable provisions of this chapter.~~
- ~~4. Agricultural accessory buildings.~~
- ~~5. Hydroelectric facilities.~~

- ~~6. Excavation, grading and fill and removal within the bed and banks of a stream or river/slough or in a wetland, subject to this chapter.~~
- ~~7. Recreational uses requiring only structures having an insignificant effect on flood waters outside the floodway, such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, wildlife or nature preserves, game farms, fish hatcheries, shooting preserves and hunting or fishing areas.~~
- ~~8. Subdividing or partitioning of land, any portion of which is located in a flood plain, subject to the provisions of this chapter.~~
- ~~9. All new construction, expansion or substantial improvement of an existing dwelling, an agricultural related structure, a commercial, industrial or other nonresidential structure, or an accessory building having an insignificant effect on flood waters.~~
- ~~10. A boat dock or pier, either individual or community, on private property which lies on the Deschutes River between river miles 226.4 and 224.5. This area is identified in the scenic waterway management plan as the Wickiup River community area.~~
- ~~11. Surface mining of mineral and aggregate resources in conjunction with the operation and maintenance of irrigation systems operated by an irrigation district, including the excavation and mining for facilities, ponds, reservoirs, and the off site use, storage, and sale of excavated material.~~

~~D.—Limitations on conditional uses.~~

~~The following limitations shall apply to all uses allowed by this chapter:~~

- ~~1. No new construction of a dwelling (including manufactured housing), accessory structure or farm use structure shall be allowed in the floodway of any river/slough or stream except for replacement in conformance with the applicable provisions of a dwelling lawfully in existence as of the effective date of [this] chapter.~~
- ~~2. No new construction of a dwelling (including manufactured housing), accessory structure or farm use structure shall be located in the flood plain unless it can be demonstrated by the applicant that no alternative exists on the subject property which would allow the structure to be placed outside of the flood plain.~~
- ~~3. No subdivision or partition shall be allowed which creates the potential for additional residential dwellings in the flood plain.~~
- ~~4. All necessary federal, state, and local government agency permits shall be obtained.~~

The following definitions apply to this Chapter and, to the extent the term is not defined in Chapter 15.12, to other portions of the Development Code. Strictly for purposes of this Chapter, the definitions supersede conflicting definitions in Chapter 15.12. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage.

**Appeal:** A request for a review of the interpretation of any provision of this chapter or a request for a variance.

**Area of shallow flooding:** A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of special flood hazard:** The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard."

**Base flood:** The flood having a one percent chance of being equaled or exceeded in any given year.

**Base flood elevation (BFE):** The elevation to which floodwater is anticipated to rise during the base flood.

**Basement:** Any area of the building having its floor subgrade (below ground level) on all sides.

**Below-grade crawl space:** Means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawl space to the top of the crawl space foundation, does not exceed 4 feet at any point.

**Building:** See "Structure."

**Critical facility:** Means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

**Development:** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Elevated building:** Means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**Fill:** Placement of any materials such as soil, gravel, crushed stone, or other materials that change the elevation of the floodplain. The placement of fill is considered "development."

**Flood or flooding:**

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  - a. The overflow of inland or tidal waters.
  - b. The unusual and rapid accumulation or runoff of surface waters from any source.
  - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)(a) of this definition.

**Flood elevation study:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**Flood Insurance Rate Map (FIRM):** The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

**Flood Insurance Study (FIS):** See "Flood elevation study."

**Flood proofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**Floodplain or flood prone area:** Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

**Floodplain administrator:** The community official designated by title to administer and enforce the floodplain management regulations.

**Floodplain management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain management regulations:** Zoning Chapters, subdivision regulations, building codes, health regulations, special purpose Chapters (such as floodplain Chapter, grading Chapter and erosion control Chapter) and other application of police power. The term describes such state or



local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as “Regulatory Floodway.”

**Functionally dependent use:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

**Habitat Restoration Activities:** Activities with the sole purpose of restoring habitats that have only temporary impacts and long-term benefits to habitat. Such projects cannot include ancillary structures such as a storage shed for maintenance equipment, must demonstrate that no rise in the BFE would occur as a result of the project and obtain a CLOMR and LOMR, and have obtained any other required permits (e.g., CWA Section 404 permit).

**Hazardous material:** The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

1. Hazardous waste as defined in ORS 466.005;
2. Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005;
3. Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990;
4. Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
5. Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
6. Material regulated as a Chemical Agent under ORS 465.550;
7. Material used as a weapon of mass destruction, or biological weapon;
8. Pesticide residue;
9. Dry cleaning solvent as defined by ORS 465.200(9).

**Highest adjacent grade:** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic structure:** Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior; or
  - b. Directly by the Secretary of the Interior in states without approved programs.

**Impervious Surface:** A surface that cannot be penetrated by water and thereby prevents infiltration and increases the amount and rate of surface water runoff, leading to erosion of stream banks, degradation of habitat, and increased sediment loads in streams. Such surfaces can accumulate large amounts of pollutants that are then “flushed” into local water bodies during storms and can also interfere with recharge of groundwater and the base flows to water bodies.

**Letter of Map Change (LOMC):** Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs:

1. Conditional Letter of Map Amendment (CLOMA): A CLOMA is FEMA’s comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1 percent annual chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
2. Conditional Letter of Map Revision (CLOMR): A CLOMR is FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
3. Conditional Letter of Map Revision based on Fill (CLOMR-F): A CLOMR-F is FEMA’s comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
4. Letter of Map Amendment (LOMA): An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land

or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.

5. Letter of Map Revision (LOMR): A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
6. Letter of Map Revision based on Fill (LOMR-F): A LOMR-F is FEMA's modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
7. PMR: A PMR is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

**Lowest floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

**Manufactured dwelling:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home."

**Manufactured dwelling park or subdivision:** A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale.

**Mean sea level:** For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**New construction:** For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City of La Pine and includes any subsequent improvements to such structures.

**Ordinary High Water Mark:** The line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank; shelving;

changes in the character of soil; destruction of terrestrial vegetation; the presence of litter and debris; or other appropriate means that consider the characteristics of the surrounding areas.

**Recreational vehicle:** A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory floodway:** See “Floodway.”

**Riparian:** Of, adjacent to, or living on, the bank of a river, lake, pond, or other water body.

**Sheet flow area:** See “Area of shallow flooding.”

**Silviculture:** The art and science of controlling the establishment, growth, composition, health, and quality of forests and woodlands.

**Special flood hazard area:** See “Area of special flood hazard” for this definition.

**Start of construction:** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure:** For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

**Substantial damage:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;  
or
2. Any alteration of a “historic structure”; provided, that the alteration will not preclude the structure’s continued designation as a “historic structure.”

**Water dependent:** Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of intrinsic nature of its operations.

**Water surface elevation:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**Variance:** A grant of relief by the City of La Pine from the terms of a floodplain management regulation.

**Violation:** The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

#### **Sec. 15.36.040. - ~~Application for conditional use~~ General provisions.**

##### **A. ~~Contents of an application.~~**

All records of any application for a conditional use permit and all certification of elevations shall be maintained in the records of the city for public inspection. An application for a conditional use permit in the flood plain overlay zone shall, at a minimum, contain the following information:

1. ~~A detailed explanation of why it is necessary to conduct the proposed use in the flood plain overlay zone. Where base flood elevation data is not available from the flood insurance study or from another authoritative source, it shall be generated and submitted with the application for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).~~
2. ~~A site plan, drawn to scale and accompanied by drawings, sketches and descriptions which describe and illustrate the proposed use. This site plan shall include, at a minimum, existing and proposed site contours in relation to the base flood elevation,~~

~~existing and proposed structures, drainage facilities, and an explanation of how erosion will be dealt with during and after construction of the use.~~

- ~~3.—The location of the property relative to the channel of the river/slough or stream.~~
- ~~4.—The location of existing and proposed diking or abutments, if any.~~
- ~~5.—The elevation of the lowest habitable floor and of any basement floor for any dwelling unit or structure.~~
- ~~6.—The elevation to which the structure is to be floodproofed, if applicable.~~
- ~~7.—Elevations on the site plan shall be established by a licensed surveyor or engineer, and shall be in relation to mean sea level.~~
- ~~8.—Certification by a registered professional engineer or architect that the floodproofing methods for any structure meet the floodproofing criteria established by the Federal Emergency Management Agency and the applicable standards of this chapter.~~
- ~~9.—All other elements or information which will assist in the evaluation of the proposed development and conformance with the applicable criteria.~~

~~**B.—Criteria to evaluate conditional uses.**~~

- ~~1.—A conditional use permit in a flood plain overlay zone shall not be approved unless all standards established by the Federal Emergency Management Agency and this chapter are addressed and findings are made by the city that each of the standards and criteria are satisfied.~~
- ~~2.—Approval to alter or relocate a water course shall require notification to adjacent communities, the department of land conservation and development and department of state lands, prior to any such alteration or relocation and submit evidence to the Federal Insurance Administration. Maintenance shall be provided within the altered and relocated portion of said water course so that the flood carrying capacity is not diminished.~~
- ~~3.—A conditional use permit shall be based upon findings which relate to the property and existing and proposed structure(s). They shall not pertain to the property owner, inhabitants, economic or financial circumstances.~~
- ~~4.—All structures in the flood plain shall meet the following standards:~~
  - ~~a.—Anchoring.~~
    - ~~(1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.~~

- ~~(2) All manufactured homes must be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.~~

~~b. Construction materials and methods.~~

- ~~(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~
- ~~(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.~~
- ~~(3) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

~~c. Utilities.~~

- ~~(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.~~
- ~~(2) New and replacement sanitary systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into flood waters.~~
- ~~(3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.~~

~~d. Below-grade crawlspace is allowed, subject to the standards in FEMA Technical Bulletin 11-01.~~

~~5. Subdivision and partition proposals.~~

- ~~a. All subdivision and partition proposals shall be consistent with the need to minimize flood damage.~~
- ~~b. All subdivision and partition proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.~~
- ~~c. All subdivision and partition proposals shall have adequate drainage provided to reduce exposure to flood damage.~~

~~6. Review of building permits. Where elevation data is not available either through the flood insurance study or from another authoritative source, applications for building permits shall be reviewed to ensure that proposed construction will be reasonably safe~~

from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. (Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.)

7. ~~Specific standards. In the flood plain overlay zone, the following requirements must be met:~~

~~a. *Residential construction.*~~

~~(1) New construction, including replacement, and substantial improvement of any residential structure shall have the lowest floor of the entire structure, including basement, elevated at least one foot above base flood elevation.~~

~~(2) Fully enclosed areas below the lower floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must satisfy the standards in FEMA Technical Bulletin 11-01 and must either be certified by a registered professional engineer or architect and must meet or exceed the following criteria:~~

- ~~• A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~
- ~~• The bottom of all openings shall be no higher than one foot above grade.~~
- ~~• Openings may be equipped with screens, louvers or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.~~

~~b. *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at least one foot above the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:~~

~~(1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.~~

~~(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

~~(3) Be certified by a registered professional engineer or architect that the design and methods of construction are subject to accepted standards of practice for meeting provisions of this chapter, based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the city as set forth in this chapter.~~



~~(4) Nonresidential structures that are elevated, but not flood proofed, must meet the same standards for space below the lowest floor.~~

~~(5) Applicants for floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the flood level will be rated as one foot below that level).~~

~~c. *Manufactured homes.* All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at least one foot above the base flood elevation. Such manufactured homes shall be securely anchored to an adequately anchored foundation system.~~

~~d. *Parking facilities.* No parking facility shall be located within 20 feet (measured at right angles) of the ordinary high water mark (OHM).~~

~~8. Floodways. In floodways the following provisions shall apply:~~

~~a. Encroachments, including fill and removal, replacement of a dwelling lawfully in existence on the effective date of this chapter and other development are prohibited unless certification by a registered professional engineer is provided demonstrating that the proposed encroachments will not result in any increase in flood levels during a base flood discharge.~~

~~b. The applicant must demonstrate that all necessary federal, state and local government agency permits have been or can be obtained and that all other applicable sections of this Development Code have been satisfied.~~

~~c. Replacement of a dwelling shall not increase the square footage or footprint of the structure by more than 20 percent of the square footage or footprint of such dwelling as of the effective date of this chapter.~~

~~d. No replacement of a dwelling shall be allowed if the use of the preexisting dwelling has been abandoned or otherwise terminated for a period of over one year.~~

A. *Lands to Which This Chapter Applies.* This Chapter shall apply to all special flood hazard areas within the jurisdiction of City of La Pine, which have been designated as part of the Special Flood Hazard Area overlay.

B. *Basis for Establishing the Special Flood Hazard Areas.* The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Deschutes County, Oregon and Incorporated Areas," dated September 28, 2007, with accompanying Flood Insurance Rate Maps (FIRMs) Panels 41017CIND0A and 41017C0245E are hereby adopted by reference and declared to be a part of this Chapter. The FIS and FIRM panels are on file at the Community Development Department located at City Hall.

C. Coordination with State of Oregon Specialty Codes. Pursuant to the requirement established in ORS 455 that the City of La Pine administers and enforces the State of Oregon Specialty Codes, the City of La Pine does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this Chapter is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

D. Compliance and Penalties for Noncompliance.

1. Compliance. All development within special flood hazard areas is subject to the terms of this chapter and required to comply with its provisions and all other applicable regulations.
2. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a class c violation and shall be subject to a fine of up to \$500 per violation. Each violation of a separate provision of this chapter shall constitute a separate violation, and each day that a violation of this chapter is committed or permitted to continue shall constitute a separate violation. Violations of this chapter constitute a nuisance. In addition to any other remedies, the violations may be abated in accordance with the provisions of LPCO Chapter 10, Article III. Nothing contained herein shall prevent the City of La Pine from taking such other lawful action as is necessary to prevent or remedy any violation.

E. Abrogation and Severability.

1. Abrogation. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
2. Severability. This chapter and the various parts thereof are hereby declared to be severable. If any section, clause, sentence, or phrase of the chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this chapter.

F. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

G. Warning and Disclaimer of Liability.

1. Warning. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.
2. Disclaimer of Liability. This chapter shall not create liability on the part of the City of La Pine, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

**Sec. 15.36.050. - ~~Elevation certification~~ Uses.**

~~Elevation of all new construction, including replacement and substantial improvements, relative to mean sea level of the lowest floor shall be documented before the framing inspection with a survey certified by a State of Oregon registered professional engineer or land surveyor.~~

**A. Use provisions.**

The land uses listed in this section Identify the uses that are prohibited, permitted outright, and conditional uses in the Special Flood Hazard Area Overlay Zone and in areas of special flood hazard as designated in Sec. 15.36.020., subject to the provisions of this Chapter. Only land uses that are specifically listed in this section, and land uses that are approved as “similar” to those in this section, may be permitted. The land uses identified as “Conditional Uses” require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 15.316. Applications for development within the Special Flood Hazard Area Overlay Zone shall be on an appropriate form provided by the La Pine Community Development Department, accompanied by the appropriate fee.

**B. Prohibited uses.**

The following uses and activities are prohibited within the Special Flood Hazard Area Overlay Zone or special flood hazard area, except as allowed in subsection C & D below:

1. New dwellings on existing lots within areas of special flood hazard where 2,000 sq. ft. or more of area outside the area of special flood hazard is available for building.
2. New construction, including accessory buildings, is prohibited.
3. Clear cutting, scraping with motorized equipment, removal of root systems, or removal of native vegetation on stream banks.
4. Any encroachment during construction.
5. New impervious surfaces.

6. Removal of native vegetation on stream banks excluding trimming of no more than approximately 25% of the vegetation.
7. New clearing, grading, filling, land-disturbing activity or other "development," other than for the purpose of replacing nonnative vegetation with native vegetation, and for other restoration work that may be approved by the local administrator.
8. Septic tanks and drain fields, dumping of any materials, hazardous or sanitary waste landfills, and receiving areas for toxic or hazardous waste or other contaminants.
9. Subdivision and partitioning of land for residential purposes is prohibited if land is located entirely within the Special Flood Hazard Area Overlay Zone or area of special flood hazard. All new lots created in the Special Flood Hazard Area Overlay Zone or area of special flood hazard must result in a minimum of 2,000 sq. ft. of land area outside of the area of special flood hazard to serve as a building envelope.
10. Modification of the stream channel, except for where necessary for bank stabilization and/or fish habitat enhancement projects.
11. Developments that would result in a rise of flood heights in the FEMA regulatory floodplain.

C. Uses permitted outright.

Permitted uses below are allowed assuming fill is not added to the area of special flood hazard, and flood heights are not increased as a result of the permitted use:

1. Open space, excluding farming activities that require ground breaking.
2. Portions of a residential use that do not contain structures, such as lawn, garden or play areas.
3. Existing camping facilities, providing that waste disposal sites are not within the area subject to the hazards of 100-year periodic stream flooding.
4. Repair or remodel of an existing structure within its existing footprint, including buildings damaged by fire or other casualties.
5. Removal of noxious weeds.
6. Replacement of nonnative vegetation with native vegetation.
7. Ongoing activities such as lawn and garden maintenance.
8. Removal of hazardous trees.
9. Normal maintenance of existing public utilities and facilities.

D. Conditional uses permitted.

Uses listed below require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 15.316.:

1. Crossings by transportation facilities and utility lines.
2. Parks, trails and pervious multi use paths.
3. Water-dependent uses, such as fish enhancement projects.
4. Restoration or enhancement of the stream bank, and bank stabilization projects.
5. A new single-family dwelling elevated without placement of fill on existing lots with less than 2,000 sq. ft. of land outside the 100-year floodplain as determined by site specific engineering, surveying, and hydrologic studies.
6. Expansion of existing dwellings in the 100-year floodplain.
7. Land divisions. All new lots created in the Special Flood Hazard Area Overlay District must result in a minimum of 2,000 sq. ft. of land area outside of the area of special flood hazard to serve as a building envelope.

**Sec. 15.36.060. - ~~Yard and setback requirements~~ Administration.**

In an FP zone, the following yard and setback requirements shall be maintained:

- ~~A. The front setback shall be a minimum of 20 feet from a property line fronting on a local street, 30 feet from a property line fronting on a collector and 50 feet from an arterial.~~
- ~~B. There shall be a minimum side yard of ten feet for all uses.~~
- ~~C. The minimum rear yard shall be 20 feet.~~
- ~~D. The minimum yard setback for a nonfarm use from the property line adjacent to a farm use not owned by the applicant shall be 100 feet.~~
- ~~E. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the city shall be met.~~
- A. Designation of the Floodplain Administrator. The Community Development Director is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

- B. Duties and Responsibilities of the Floodplain Administrator. Duties of the Floodplain Administrator include, but are not limited to, the duties described in Sections 15.36.080. to 15.36.140.

**Sec. 15.36.080. - ~~Little Deschutes River/slough and stream setback~~ Permit review.**

To permit better light, air, vision, stream and pollution control, to protect fish and wildlife areas and to preserve the natural scenic amenities along streams and lakes, the following setbacks shall apply:

- ~~A. All sewage disposal installations such as septic tanks or septic drain fields shall be setback from the ordinary high water mark along all river/sloughs and streams a minimum of 100 feet, measured at right angles to the ordinary high water mark. In those cases where practical difficulties preclude the location of the facilities at a distance of 100 feet, and the county sanitarian finds that a closer location will not endanger public health or safety, a setback exception may be permitted to locate these facilities closer to the stream or lake, but in no case closer than 25 feet.~~
- ~~B. All structures, buildings or similar permanent fixtures shall be set back from the ordinary high water mark along all streams or lakes a minimum of 100 feet measured at right angles from the ordinary high water mark.~~

The Floodplain Administrator shall:

- A. Review all development permits to determine that the permit requirements of this Chapter have been satisfied and that all other required local, state, and federal permits have been obtained and approved;
- B. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway, assure that the floodway provisions of this Chapter in Section 15.36.250 are met;
- C. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of Section 15.36.200;
- D. Provide to building officials the Base Flood Elevation (BFE) plus 1.0' applicable to any building requiring a development permit;
- E. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in Section 15.36.030;
- F. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in Section 15.36.180.A; and

- G. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

**Sec. 15.36.100. - ~~Dimensional standards~~ Information to be obtained and maintained.**

In an FP zone, the following dimensional standards shall apply:

- ~~A. *Lot coverage.* The main building and accessory buildings located on any building site or lot shall not cover in excess of 30 percent of the total lot area.~~
- ~~B. *Building height.* No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed through an exception.~~
- ~~C. *Minimum lot size.* Minimum lot size shall be ten acres for all areas which have received an exception to the statewide planning goals for resource uses. Areas which have not received an exception to the statewide planning goals shall have a minimum lot size of 80 acres.~~

The following information shall be obtained and maintained by the Floodplain Administrator and shall be made available for public inspection as needed:

- A. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with Section 15.36.200.
- B. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Sections 15.36.250. and 15.36.080.A are adhered to.
- C. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- D. Where base flood elevation data are utilized, obtain as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- E. Maintain all Elevation Certificates (EC) submitted to the City of La Pine.
- F. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this Chapter and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with Section 15.36.200.

- G. Maintain all floodproofing certificates required under this Chapter.
- H. Record and maintain all SFHA variance actions, including justification for their issuance.
- I. Obtain and maintain all hydrologic and hydraulic analyses performed as required under Section 15.36.250.
- J. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under Section 15.36.140
- K. Maintain for public inspection all records pertaining to the provisions of this Chapter.

**Sec. 15.36.120. - ~~Warning and disclaimer of liability~~ Requirement to notify other entities and submit new technical data.**

~~The degree of flood protection required by the city is considered reasonable for regulatory purposes and is based upon scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter shall not create liability on the part of the city, Deschutes County, any officer, agent or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any decision lawfully made hereunder.~~

- A. Community Boundary Alterations. The floodplain administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all flood hazard boundary maps (FHBM) and flood insurance rate maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.
- B. Watercourse Alterations. Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:
  - 1. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
  - 2. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 15.36.120.C. Ensure compliance with all applicable requirements in Sections 15.36.120.C and 15.36.180.A.



- C. Requirement to Submit New Technical Data. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Sub-Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

1. Proposed floodway encroachments that increase the base flood elevation; and
2. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal laws.

**Sec. 15.36.140. - ~~Interpretation of firm boundaries~~ Substantial improvement and substantial damage assessments and determinations.**

The city shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).

- A. The Floodplain Administrator shall conduct Substantial Improvement (SI) (as defined in Section 15.36.030) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 15.36.100. Conduct Substantial Damage (SD) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 2.10.400.B) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

- B. The Floodplain Administrator shall make interpretations where needed, as to exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).

**Sec. 15.36.150. – Establishment of development permit.**

- A. Floodplain Development Permit Required. A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in Section 15.36.040.B. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in Section 15.36.030, including fill and other development activities.

Development proposals within the Special Flood Hazard Area Overlay Zone shall be reviewed under a Type II procedure. Development approval within the Special Flood Hazard Area Overlay Zone shall be obtained before construction or development begins within any area of special flood hazard as established by this chapter. Approval shall be required for all structures, stream bank erosion control or enhancement projects, and development.

- B. Application for Development Permit.

1. Application for a development within the SFHA shall be filed on forms furnished by the Floodplain Administrator. In addition to any other required materials for the applicable application, the submittal must include plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is also required:
  - a. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of Section 15.36.100.
  - b. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed.
  - c. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any nonresidential structure meet the floodproofing criteria for nonresidential structures in Section 15.36.240.C.
  - d. Description of the extent to which any watercourse will be altered or relocated.
  - e. Base Flood Elevation data for subdivision proposals or other development when required per Section 15.36.080 and 15.36.190.

- f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- g. The amount and location of any fill or excavation activities proposed.

**Sec. 15.36.160. – Development standards.**

The following standards apply to all development and land divisions within the Special Flood Hazard Area Overlay Zone or area of special flood hazard in the City and its urbanizable areas:

A. In all areas of special flood hazard within the City and its urbanizable area as determined in Section 15.36.010, where base flood elevation data has been provided, the following provisions apply to all new and reconstructed structures:

1. Setbacks.

- a. The purpose of setback requirements is to not encroach upon the Little Deschutes River and to protect structures from erosion and flooding while also allowing an economic use of the land.
- b. The setback standards herein are to be used in combination with setback standards of the underlying district, with the more restrictive setbacks superseding the less restrictive setbacks.
- c. All portions of new structures shall be sited within a distance of 1/2 the depth of the lot, away from the area of special flood hazard, measuring from the lot line opposite of the area of special flood hazard. The depth of the lot shall be determined by averaging the side lot lines. For example, if a lot is 150 ft. deep, all new structures shall be within 75 ft. of the lot line opposite to the Little Deschutes River. Setback standards of the underlying district apply in addition to this general setback standard.
- d. Existing dwellings may be expanded, but not towards the Little Deschutes River. Existing setbacks from dwellings to Little Deschutes River shall not be decreased as a result of expansions.
- e. These setback requirements seek to decrease risks to structures from erosion and flooding. Where the literal application of the setback standards conflict with the purposes of this Chapter, a Major Variance may be used to allow placement of new structures to achieve this Chapter's purposes.

B. Subdivision and partition proposals, for properties not entirely within the Special Flood Hazard Area Overlay Zone or area of special flood hazard shall have:

- 1. All new lots created result in a minimum of 2,000 sq. ft. of land area outside of the special flood hazard area to serve as building envelopes.
- 2. Measures to minimize flood damage.

3. Public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
4. Adequate drainage provided to reduce exposure to flood damage.
5. Measures to prevent erosion and, where applicable, stream bank enhancement methods are incorporated into the subdivision design.

**Sec. 15.36.170. – Special flood hazard area variance procedure.**

The issuance of a SFHA variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a SFHA variance.

**A. Conditions for SFHA Variances.**

1. Generally, SFHA variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of subsections (A)(3) and (6) of this section. As the lot size increases beyond one-half acre, the technical justification required for issuing a SFHA variance increases.
2. SFHA variances shall only be issued upon a determination that the SFHA variance is the minimum necessary, considering the flood hazard, to afford relief.
3. SFHA variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
4. SFHA variances shall only be issued upon:
  - a. A showing of good and sufficient cause;
  - b. A determination that failure to grant the SFHA variance would result in exceptional hardship to the applicant;
  - c. A determination that the granting of a SFHA variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or Chapters.
5. SFHA variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation of historic structures will not preclude the structure's continued designation as a historic structure and the SFHA variance is the minimum necessary to preserve the historic character and design of the structure.

6. SFHA variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use; provided, that the criteria of subsections (A)(2) through (5) of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- B. SFHA Variance Notification. Any applicant to whom a SFHA variance is granted shall be given written notice that the issuance of a SFHA variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all SFHA variance actions, including justification for their issuance, shall be maintained in accordance with Section 15.36.100.

**Sec. 15.36.180. – Provisions for flood hazard reduction.**

- A. General Standards. In all special flood hazard areas, the following standards shall be adhered to:
  1. Alteration of Watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with Sections 15.36.120.B and C.
  2. Anchoring.
    - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
    - b. All manufactured dwellings shall be anchored per Section 15.36.240.D.
  3. Construction Materials and Methods.
    - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
    - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- B. Utilities and Equipment.
  1. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems.
    - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
        - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
  - 2. Electrical, Mechanical, Plumbing, and Other Equipment. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the BFE level plus 1.0' or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:
    - a. If replaced as part of a substantial improvement shall meet all the requirements of this section.
  - 3. Tanks.
    - a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
    - b. Above-ground tanks shall be installed at or above the BFE base flood level plus 1.0' or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

**Sec. 15.36.190. – Subdivision proposals and other proposed developments.**

- A. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
- B. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
  - 1. Be consistent with the need to minimize flood damage.
  - 2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
  - 3. Have adequate drainage provided to reduce exposure to flood hazards.

**Sec. 15.36.200. – Use of other base flood data.**

- A. When Base Flood Elevation data has not been provided in accordance with Section 15.36.040.B the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer Sections 15.36.180 through 15.36.250. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 15.36.190.
- B. Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more whenever there is not an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc., where available, but at a minimum shall be at least 2 feet above the adjacent grade.

**Sec. 15.36.210. – Structure located in multiple or partial flood zones.**

In coordination with the State of Oregon Specialty Codes:

- A. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
- B. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

**Sec. 15.36.220. – Critical facilities.**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the base flood elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

**Sec. 15.36.230. – Specific standards for riverine (including all non-coastal) flood zones.**

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in Section 15.36.180.A.1.

- A. Flood Openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements.

Enclosed areas below the Base Flood Elevation, including crawl spaces, shall:

1. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
2. Be used solely for parking, storage, or building access;
3. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
  - a. A minimum of two openings.
  - b. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls.
  - c. The bottom of all openings shall be no higher than one foot above grade.
  - d. Openings may be equipped with screens, louvers, valves, or other coverings or devices; provided, that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
  - e. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

B. Garages.

1. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
  - a. If located within a floodway the proposed garage must comply with the requirements of Section 15.36.250;
  - b. The floors are at or above grade on not less than one side;
  - c. The garage is used solely for parking, building access, and/or storage;
  - d. The garage is constructed with flood openings in compliance with this section to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater;
  - e. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
  - f. The garage is constructed in compliance with the standards in Section 15.36.180.A; and



- g. The garage is constructed with electrical and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
2. Detached garages must be constructed in compliance with the standards for appurtenant structures in Section 15.36.240.F or non-residential structures in Section 15.36.240.C depending on the square footage of the garage.

**Sec. 15.36.240. – Specific standards for riverine (Non-Coastal) special flood hazard areas with base flood elevations.**

In addition to the general standards listed in Section 15.36.180.A the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

A. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

B. Residential Construction.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at or above the Base Flood Elevation (BFE) plus 1.0'.
2. Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section 15.36.230.A.

C. Non-Residential Construction.

1. New construction and substantial improvement of any non-residential structure shall:
  - a. Have the lowest floor, including basement elevated at or above one (1) foot above the Base Flood Elevation (BFE);

Or, together with attendant utility and sanitary facilities,
  - b. Be floodproofed so that below the base flood elevation level the structure is watertight with walls substantially impermeable to the passage of water;
  - c. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- d. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in Section 15.36.230.
2. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in Section 15.36.230.
3. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one (1) foot below that level).
4. Applicants shall supply a maintenance plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components, as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.
5. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

D. Manufactured Dwellings.

1. New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with Section 15.36.230.A;
2. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;
3. New or substantially improved manufactured dwellings shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;
4. Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

E. Recreational Vehicles. Recreational vehicles placed on sites are required to:

1. Be on the site for fewer than 180 consecutive days, fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

2. Meet the requirements of subsection (D) of this section, including the anchoring and elevation requirements for manufactured dwellings.

F. Appurtenant (Accessory) Structures. Relief from elevation or floodproofing requirements for residential and non-residential structures in riverine (non-coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

1. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in Section 15.36.250.
2. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation.
3. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.
4. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials.
5. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.
6. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 15.36.230.A.
7. Appurtenant structures shall be located and constructed to have low damage potential.
8. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section 15.36.180.B.3.
9. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

G. Below-Grade Crawl Spaces.

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated in Section 15.36.230.A.

Because of hydrodynamic loads, crawl space construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

2. The crawl space is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.
3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
4. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
5. The interior grade of a crawl space below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
6. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
8. The velocity of floodwaters at the site shall not exceed five (5) feet per second for any crawl space. For velocities in excess of five (5) feet per second, other foundation types should be used.

#### **Sec. 15.36.250. – Floodways.**

Located within the special flood hazard areas established in section 2.10.400.B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
1. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or
  2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations; provided, that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.
  3. If an encroachment proposal resulting in an increase in Base Flood Elevation meets the following criteria:
    - a. Is for the purpose of fish enhancement,
    - b. Does not involve the placement of any structures (as defined in Section 15.36.030) within the floodway,
    - c. Has a feasibility analysis completed documenting that fish enhancement will be achieved through the proposed project,
    - d. Has a maintenance plan in place to ensure that the stream carrying capacity is not impacted by the fish enhancement project,
    - e. Has approval by the National Marine Fisheries Service, the State of Oregon Department of Fish and Wildlife, or the equivalent federal or state agency, and
    - f. Has evidence to support that no existing structures will be negatively impacted by the proposed activity;

Then an approved CLOMR may be required prior to approval of a floodplain permit.

- B. If the requirements of subsection (A) of this section are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Sections 15.36.180 through 15.36.250.

# EXHIBIT D

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 4 – OVERLAY ZONES

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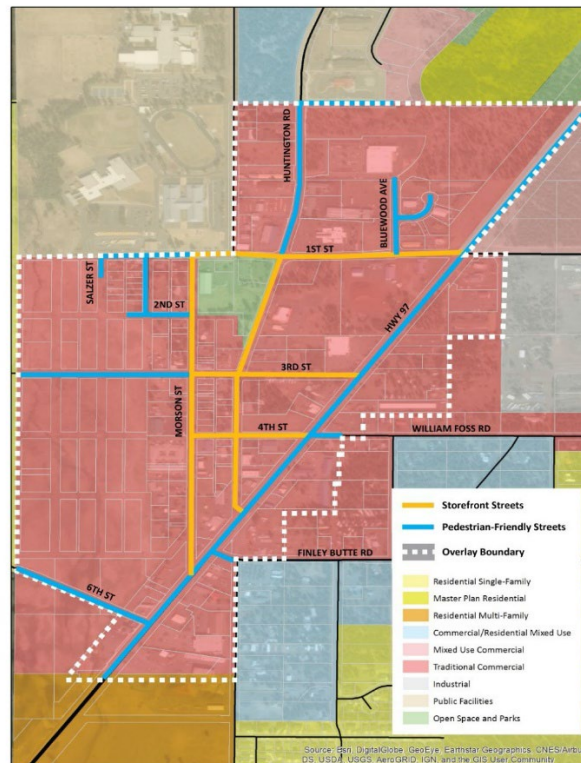
#### CHAPTER 15.40. – DOWNTOWN OVERLAY ZONES

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##### Sec. 15.24.020. – Applicability.

- A. *Zone boundary and street designations.* The boundaries of the downtown overlay zone are depicted in Figure 15.40-1. The standards of this chapter apply to development and redevelopment on properties within this boundary. Specific standards within this chapter apply to properties abutting streets designated as storefront streets and pedestrian friendly streets, as shown on Figure 15.40-1.

Downtown Overlay Zone Map



- B. *New buildings.* The standards of this chapter apply to all buildings subject to site plan review that include over 200 square feet in floor area.

- C. *Expansions and alterations to existing nonresidential buildings.* The standards of this chapter apply to expansions and alterations to nonresidential buildings that are subject to site plan review, in accordance with chapter 15.312. The standards are applicable as follows:
1. Expansions or additions to nonresidential buildings of over 500 square feet that are visible from a public street or public space are required to be in conformance with the standards of this chapter. The standards only apply to the expansion or addition.
  2. Expansions or additions to nonresidential buildings that front a storefront street must not increase the length of street-facing facade that does not conform to the build-to-line standard and must, to the extent feasible, reduce the area dedicated to parking and vehicular circulation between the building and the right-of-way (See Figure 15.40-2).
  3. Expansions or additions to nonresidential buildings that front a pedestrian-friendly street must, to the extent feasible, reduce the area dedicated to parking and vehicular circulation between the building and the right-of-way.
  4. Exterior alterations or remodels of existing nonresidential buildings that do not conform to the standards for ground floor windows, weather protection, and architectural design must improve compliance with these standards where possible, and at a minimum must not increase nonconformance.
- D. *Expansions and alterations to parking and vehicle circulation areas.* Expansions or alterations to existing parking and vehicle circulation areas must not increase non-conformity with the standard for location of parking areas (15.40.060.BC.).

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**Sec. 15.40.090. - Architectural design standards.**

- A. *Intent.* The facade articulation standards in [subsection] B work together to help ensure that building facades that have variation and depth in the plane of the building in order to create a more interesting and welcoming environment to pedestrians. The screening standard in [subsection] C ensures that mechanical equipment is screened or otherwise minimized so that it does not detract for the pedestrian environment. The materials and Cascadian Style standards in [subsections] D and E are intended to create a distinct brand or identity for Downtown La Pine.
- B. *Articulation.* All building exterior walls greater than 100 feet in length that orient to a street or public space must have breaks in the wall plane (articulation) of not less than one break for every 40 feet of building length or width, as applicable, as follows:
1. A "break" is a feature or variation in the wall plane that projects or recedes at least six inches for a length of at least two feet. Breaks may include, but are not limited to, an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer,

eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.

2. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the break-in-wall-plane standard.

C. *Screening of mechanical equipment.*

1. *Building walls.* Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened from view from the right-of-way or civic space. Standpipes, meters, vaults, and similar equipment need not be screened but shall not be placed on a front elevation when other feasible alternatives exist; such equipment shall be placed on a side or rear elevation where feasible.
2. *Rooftops.* Except as provided below, rooftop mechanical units shall be setback or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not feasible, the decision authority may approve painting of mechanical units in lieu of screening; such painting may consist of muted, earth-tone colors that make the equipment visually subordinate to the building and adjacent buildings, if any.
3. *Ground-mounted mechanical equipment.* Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges, trellises, and similar plantings may also be used as screens where there is adequate air circulation and sunlight, and irrigation is provided. The city may require additional setbacks and noise dampening equipment for compatibility with adjacent uses.

D. *Materials.* Building materials must be consistent with the Cascadian Style.

1. *Primary materials.* A primary material is the predominant building material that covers a minimum of 60 percent of the building's exterior walls. Acceptable primary materials are identified in Table 15.40-2.
2. *Secondary materials.* A secondary material is not the predominant building material. Multiple secondary materials may be utilized. Any one secondary material shall not cover more than 40 percent of the building's exterior walls. Acceptable secondary materials are identified in Table 15.40-2.
3. *Base materials.* The building base shall be defined as the lower portion of a wall just above where it meets ground, to 24 inches above grade. Base materials are identified in Table 15.40-2. Use of these materials shall be limited to the building base unless the material is also identified as an acceptable primary or secondary material. If the base



material is identical to material used on the portion of the wall directly above the base, then a change in material color, texture, or a horizontal band must be used to differentiate the base.

- E. *Cascadian architectural elements*. Building exterior walls facing a public street shall incorporate at least three of the following features. Using these features may also help meet other Development Code requirements, such as those related to building articulation or weather protection:
1. Exposed, heavy timbers;
  2. Exposed natural wood color beams, posts, brackets and/or trim (e.g., eaves or trim around windows);
  3. Natural wood color shingles used as siding or to accent gable ends (or similar usage);
  4. Metal canopies;
  5. Heavy metal brackets (e.g., cast iron or similar appearance), which may be structural brackets or applied as cosmetic detailing;
  6. Pitched roof over more than 50 percent of the building (roof pitch must have a rise/span ratio of at least 4/12) which is constructed of either metal painted a muted earthtone or other fire resistant material (e.g., no wood shingle roofs are permitted); and
  7. Other similar features.

# EXHIBIT E

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 5 – DEVELOPMENT STANDARDS

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#### CHAPTER 15.80. - DEVELOPMENT STANDARDS, GENERALLY

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##### Sec. 15.80.060. - Restrictions on the use of metal shipping containers.

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

- A. In residential zones, no metal shipping containers shall be utilized as a dwelling at any time, ~~or as storage structures for greater than 30 days.~~ Shipping containers may be utilized for storage, so long as there is an active building permit for construction of a dwelling or dwellings, and the shipping containers are removed prior to final occupancy approval.
- B. In commercial zones, metal shipping containers shall not be placed on-site, with the exception of short-term use for construction or relocations (30 days or less), or in the case of construction; 30 days after a certificate of occupancy has been issued.
- C. In industrial zones, metal shipping containers are permitted for storage uses.

# EXHIBIT F

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 5 – DEVELOPMENT STANDARDS

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#### CHAPTER 15.82. – LANDSCAPING, BUFFERING AND FENCES

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##### Sec. 15.82.020. - Fences and walls.

The yard and setback requirements of this Development Code shall not be deemed to restrict any otherwise lawful fence, wall, or sign, provided that no fence, wall, or sign shall be located on any right-of-way of a public road.

A. *Materials.* Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials, except as provided below.

1. Barbed wire fences may be allowed:

a. When intended to contain or restrict cattle, sheep, horses or other livestock, are permitted in any zone where the keeping of livestock is permitted; or;

b. For security as required by a federal, state, or local agency.

2. Electric fences are permitted in any zone where the keeping of livestock is permitted, provided the following standards are met:

a. The fence product shall be listed by a State of Oregon approved testing laboratory.

b. The fence shall be installed and used in accordance with the testing laboratory listing.

c. Electrical permits and inspections shall be required for the installation.

d. Warning signs which notify individuals of a dangerous fence shall be posted on the fence, at intervals not to exceed 50 feet. The statement, DANGER - Electrified Fence, or an equivalent statement, shall be on the warning signs.

e. The fence must be located outside any front yard setback and required landscaping, buffering or screening areas.

B. *Standards.*

1. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.
2. All required swimming pool and hot tub fencing shall be a minimum of four feet in height and be equipped with a self-locking gate that closes automatically.
3. Fences within a front or street side yard shall also conform to the clear vision requirements at intersections, which further restrict the use or height of sight-obscuring fences.
4. In no instance shall a fence extend beyond the property line including into a public right-of-way. It is the responsibility of the property owner to determine the property line.
5. Within residential and commercial zones, fences within the required front yard setback may not exceed four feet in height except that one incidental garden structure (e.g., arbor or gate) not exceeding eight feet in height and six feet in width is allowed within the required front yard provided it does not encroach into a required clear vision area. All other fences in all zones shall not exceed seven feet in height.
6. Other provisions of this Development Code, or the requirements of the roadway authority, may limit allowable height of a fence or wall below the height limits of this section.

**Sec. 15.82.030. – Street Tree Standards.**

Street trees shall be planted for all developments that are subject to Land Division or Site Plan Review. Planting on unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

- A. Street Tree Standards. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following applies to street tree planting and selection:
1. Street trees shall be planted within the required landscape swale or between 5' and 15' of the curb, wherever possible.
  2. Street trees shall be placed at an average of 35' maximum distance apart from one another. Reduced separation may be required for smaller species of trees. Variety in tree placement using clusters of trees and uneven spacing is encouraged.
  3. An approved tree grate or other surface treatment acceptable to the Community Development Director or designee shall be used for street trees planted in paved or concrete areas.
  4. Except for immature trees of insufficient height to prune and retain a crown that is at least 2/3 the height of the tree, street trees that overhang city property and public

rights-of-way shall be pruned to maintain at a minimum a clearance height of 8' over sidewalks and a clearance height of 14' over streets.

5. Existing trees may be used to meet minimum street tree requirements if they are not killed or damaged during or as a result of development. Sidewalks of variable width and elevation may be used to save existing street trees.
6. Existing street trees removed as the result of development shall be replaced by the developer with trees of a species appropriate to the site, as determined by the Community Development Director or designee.
7. Low-growing trees shall be required for spaces under utility wires.
8. Narrow or "columnar" trees may be used where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
9. Trees that are extremely susceptible to insect damage shall be avoided.
10. Trees that produce excessive seeds or fruit are prohibited as street trees.
11. Street trees shall be those species suitable for the location in which they are placed. Recommended tree species include the following tree types, and within these, consideration should be given to those that are most drought-resistant. Drought resistant trees are marked with an asterisk (\*):

Small trees (under 25 feet at maturity)

- a. Canada Red Cherry (Prunus virginiana)\*
- b. Flowering Crabapple (Malus spp.)\*
- c. Hawthorn (Crataegus spp.)\*
- d. Japanese Tree Lilac (Syringa reticulata)
- e. Serviceberry (Amelanchier spp.)

Medium trees (30 to 45 feet at maturity)

- f. Flowering Plum (Prunus cerasifera)
- g. American Hornbeam (Carpinus caroliniana)
- h. Callery Pear (Pyrus calleryana)
- i. Hedge Maple (Acer campestre)
- j. Mountain Ash (Sorbus aucuparia)\*

Tall trees (over 50 feet at maturity)

- k. Birch (Betula spp.)
- l. Green Ash (Fraxinus pennsylvanica)\*
- m. Honey Locust (Gleditsia triacanthos "inermis")\*
- n. Littleleaf Linden (Tilia cordata)
- o. Norway Maple (Acer platanoides)
- p. Pin Oak (Quercus palustris)\*
- q. Red Maple (Acer rubrum)\*
- r. Red Oak (Quercus rubra)\*

- B. Prohibited Street Tree Species. Use of the following tree species as street trees is prohibited for one or more of the following reasons: 1) their roots cause injury to sewers or pavements; 2) they are particularly subject to insects or diseases; 3) they cause safety and visibility problems along streets and at intersections; 4) they create messy sidewalks and pavements.

Prohibited species include the following:

- a. Walnut (Juglans spp.)
- b. Osage Orange (Maclura pomifera)
- c. Weeping varieties of mulberries, crabapples, cherries, etc. (Morus, Prunus, etc. (weeping))
- d. Fruiting Mulberry (Morus alba)
- e. Poplar (Populus trichocarpa)
- f. Quaking Aspen (Populus tremuloides)
- g. Commercial Fruit Trees (Prunus, Pyrus, etc. (fruiting))
- h. Weeping Willow (Salix babylonica)
- i. American Elm (Ulmus americana)
- j. Siberian Elm (Ulmus pumila)
- k. Lodgepole Pine (Pinus contorta)
- l. Ponderosa Pine (Pinus ponderosa)
- m. Jack Pine (Pinus banksiana)

- C. Caliper Size. Planted trees shall have a minimum caliper size of one and one-half (1 1/2) inches and shall conform to the standards described by the ANSI A300 standards for nursery stock, latest edition.

- D. Location. Street trees shall be planted within existing and proposed planting strips and in sidewalk tree wells on streets without planting strips.

E. Street Tree Maintenance

- 1. Except for trees located in medians within public rights-of-way, which shall be maintained by the City, it shall be the continuing duty and routine obligation of property owner(s) of land abutting public rights-of-way to perform activities required to maintain trees located within the abutting right-of-way in good health and vigor. Activities may include watering, pruning, protection against damage, and replacement if necessary.
- 2. Street tree removal and planting shall be the obligation of the adjacent property owner(s).
- 3. All maintenance activities shall be conducted in accordance with the City of La Pine Public Works Design Standards, latest edition.

- F. Assurances. The developer shall install all required landscaping prior to the occupancy of the development. In the event that installation needs to be delayed, the City shall require the developer to provide an estimate of landscaping improvement costs to the City. Upon acceptance of this amount, the City shall require a performance bond in the amount of 120 percent of the accepted estimate from the owner/developer.

# EXHIBIT G

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 5 – DEVELOPMENT STANDARDS

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#### CHAPTER 15.86. – PARKING AND LOADING

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##### Sec. 15.86.050. - Bicycle parking.

- A. *Exemptions.* This section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The planning official may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.
- B. *Standards.* Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 15.86-3. Where an application is subject to conditional use permit approval or the applicant has requested a reduction to an automobile-parking standard, the city may require bicycle parking spaces in addition to those in Table 15.86-3.
- C. require bicycle parking spaces in addition to those in Table 15.86-3.

<b>Table 15.86 -3. Minimum Required Bicycle Parking Spaces</b>	
<b>Use</b>	<b>Minimum Number of Spaces</b>
Multi-family residential (not required for parcels with fewer than 4 dwelling units)	2 bike spaces per 4 dwelling units
Commercial	<del>21 bike spaces per primary use or 1 per 5</del> 10 vehicle spaces, whichever is greater.
Industrial	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
Community service	2 bike spaces
Parks (active recreation areas only)	4 bike spaces
Schools (all types)	2 bike spaces per classroom
Institutional uses and places of worship	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
Other uses	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater

D. *Design.* Bicycle parking shall consist of staple-design steel racks or other city-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle. At a minimum, bicycle parking facilities shall be consistent with the following design guidelines:

1. All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and clearly visible area;
2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;
3. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet;



4. An access aisle of at least five feet shall be provided in each bicycle parking facility;
  5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.
- E. *Hazards.* Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of [section 15.88.040](#).

# EXHIBIT H

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 5 – DEVELOPMENT STANDARDS

(\*\*\*)

#### CHAPTER 15.88. – ACCESS AND CIRCULATION

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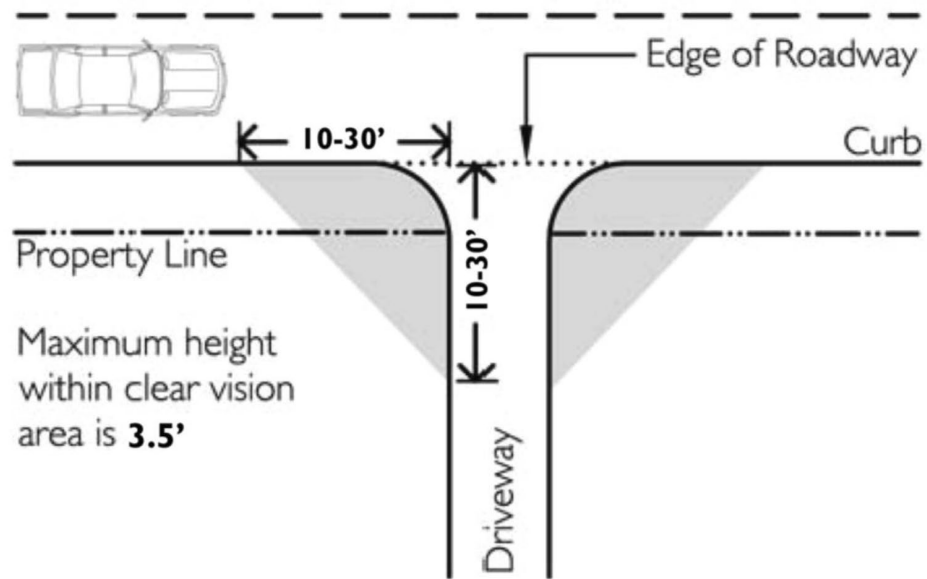
##### Sec. 15.88.040. Clear vision areas (visibility at intersections).

- A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets, a driveway and a street, 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.
- B. A clear vision area shall consist of a triangular area on the corner of a lot at the intersection of two streets or a street and a railroad (see Figure 18.88-1). Where lot lines have rounded corners, the specified distance is measured from a point determined by the extension of the lot lines to a point of intersection. The third side of the triangle is the line connecting the ends of the measured sections of the street lot lines. The following measurements shall establish clear vision areas within the city:
  1. In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet; or at intersections including an alley, ten feet.
  2. In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:

<i>Right-of-Way Width</i>	<i>Clear vision</i>
80 feet or more	20 feet
Less than 80 feet	30 feet

Clear Vision Areas

## EXHIBIT H



# EXHIBIT I

## PART III - CITY OF LA PINE DEVELOPMENT CODE

(\*\*\*)

### Article 5 – DEVELOPMENT STANDARDS

(\*\*\*)

#### CHAPTER 15.90. – PUBLIC FACILITIES

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##### Sec. 15.90.080. – Traffic impact analysis.

- A. *Purpose.* The purpose of this subsection is ~~to~~ 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~~ 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~~ 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~~ 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~~ RSF or RMF zones and the proposed partition does not create any new street.

# EXHIBIT J

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 6 – SPECIAL USE STANDARDS

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#### CHAPTER 15.104. – SPECIAL USE STANDARDS – RESIDENTIAL USES AND ACCESSORY USES

##### Sec. 15.104.010. Accessory dwellings.

- A. *Applicability.* Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure pursuant to chapter 15.308, zoning ~~checklist~~ permit, provided the following standards are met.
- B. *Standards.*
  - 1. *One unit.* A maximum of one accessory dwelling is allowed per legal lot containing a single-family dwelling unit. Accessory dwellings do not count toward maximum density standards of the base zone. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor). Detached units must provide adequate separation from other structures, as required by building code and the fire marshal.
  - 2. *Floor area.* An accessory dwelling shall not exceed 800 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, accessory dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 800 square feet.
  - 3. *Other development standards.* Accessory dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:
    - a. Conversion of an existing legal non-conforming structure to an accessory dwelling is allowed, provided that the conversion does not increase the non-conformity.
    - b. In order to encourage the development of housing units for disabled and handicapped individuals and persons with limited mobility, the city may allow reasonable deviation from the stated conditions where necessary to install features that facilitate access and mobility for disabled persons. This shall be regulated through the exceptions process.
    - c. All accessory dwelling units shall be permanently placed on a foundation and connected to required utilities. A manufactured home may be used as an accessory dwelling, provided that the manufactured home shall be placed on an excavated

and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR ch. 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home.

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**Sec. 15.104.060. – Manufactured dwelling parks.**

~~A. *Applicability.* Manufactured dwelling parks, where permitted, are subject to compliance with the following standards.~~

~~B. *Standards.*~~

- ~~1. *General standards.* Development of manufactured and mobile home parks, including placement of manufactured and mobile homes with a park, shall comply with applicable building codes and state requirements for mobile home and manufactured dwelling parks in ORS 446.~~
- ~~2. *Access drives.* Internal roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be surfaced with asphalt, concrete, compacted crushed gravel or similar surface.~~
- ~~3. *Perimeter screening and landscaping.* Except for the access roadway into the park, the park shall be screened on all sides by a sight obscuring fence not less than six feet in height, unless otherwise approved by the city. Additionally, when manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the city may require planting of a landscape buffer of five to ten feet in width between the right-of-way and a manufactured home park for the privacy and security of park residents or for privacy of adjacent residences.~~
- ~~4. *Outdoor storage.* A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.~~

A. *Applicability.* Manufactured dwelling parks, where permitted, are subject to compliance with the following standards. All applications for a manufactured dwelling park are subject to a Type II Land Use Review Procedure in accordance with LPDC Sec. 15.204.020.

B. *Standards.*

1. *General standards.* Development of manufactured and mobile home parks, meaning four or more manufactured dwellings or prefab structures located in one area, including placement of manufactured and mobile homes with a park, shall comply with applicable

building codes and state requirements for mobile home and manufactured dwelling parks in ORS 446.

2. Existing Parks. Existing manufactured dwelling parks shall be allowed to expand in accordance with the criteria of this chapter, except for any existing manufactured dwelling parks within any non-residentially zoned lands.
3. Minimum area required. All manufactured home parks must be a minimum area of one acre.
4. Permitted uses. Manufactured home parks may contain manufactured homes, prefabricated structures and accessory structures permitted in this chapter, community laundry and recreation facilities and other common buildings for use by park residents only, and one residence other than a manufactured home for the use of a caretaker or a manager responsible for maintaining or operating the property. Manufactured homes may only be used as single-family dwellings. No manufactured home is permitted to be used for commercial use.
5. Density. The maximum number of manufactured dwellings shall not exceed the density standards of the underlying zone.
  - a. Density Bonus.
    - i. If all required recreational facilities and play areas include approved equipment such as swings, slides, or other playground or recreational equipment, an additional 10 percent increase in spaces per acre may be granted.
    - ii. If a recreation/community building is provided, an additional 10 percent increase in spaces per acre may be granted.
    - iii. If the park provides a variety of manufactured dwelling unit types, where at least 40% of manufactured dwellings are “double” or “triple-wide,” an additional 10 percent increase in spaces per acre may be granted.
6. Park Characteristics
  - a. At a minimum, applicant must meet all of the applicable plan submittal and park construction sections of the current Oregon Manufactured Dwelling and Park Specialty Code.
  - b. Site size.
    - i. A manufactured dwelling may not be constructed in a site less than 2,500 square feet in total area.
    - ii. The total area of a lot occupied by a manufactured dwelling and all accessory structures and buildings shall not exceed 75 percent of the total site area.



c. Interior setbacks.

- i. A manufactured dwelling shall not be installed closer than 10 feet from a property line.
- ii. Manufactured dwellings shall not be located closer than 15 feet from another manufactured dwelling or general use building.
- iii. No manufactured dwelling accessory building or structure on a manufactured dwelling space shall be closer than 10 feet from a manufactured dwelling accessory building or other structure on another dwelling space.

d. Utilities. Each manufactured dwelling shall be provided with an adequate supply of healthful water, electric power, and sewage facilities.

e. Fire Hydrants. If a manufactured home space or permanent structure in a park is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within 500 feet of each space or structure and shall conform to the design and capacity requirements required by the State Fire Marshall and the City.

f. Parking.

- i. All parking and loading provided must comply with LPDC Chapter 15.86, in addition to the following standards:
- ii. Each manufactured dwelling shall provide at a minimum two off-street parking space per dwelling. A usable garage or carport on a manufactured dwelling lot shall satisfy these parking requirements.
- iii. Additional guest parking spaces shall be provided within 400 feet of the manufactured dwellings served at a ratio of one parking space per 2 manufactured dwelling spaces. Parking lots with spaces for 10 or more vehicles are subject to the parking lot landscaping standards in 15.82.010.E.
- iv. Each recreational facility shall have a minimum of two parking spaces provided for every 2,500 square feet of area and shall be located within 100 feet of the recreational facility served.
- v. At least 4 percent of all parking spaces for guest or public use shall be made ADA accessible.

g. Access drives.

- i. Internal roadways shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or not less than 20 feet in width if parking is not permitted on the edge of the roadway and shall be surfaced with asphalt, concrete, compacted crushed gravel or similar surface.

- ii. Internal roadways shall be of adequate width and design to provide for the necessary access of emergency vehicles.
  - 1. Manufactured dwelling parks with the following range of dwelling spaces shall have the following number of park access: 10 – 20 units have 2 access points, 21 – 30 units have three, 31 -40 have three, etc.
  - 2. Dead end access. If one-way access drives are proposed, they must provide adequate turnaround space that does not involve the use of individual driveways.
    - a. The City may determine the need for additional access, hammerhead, or a cul-de-sac bulb to be provided, in conformance with the street design standards of LPDC section 15.90.070 and the State Manufactured Dwelling Specialty Codes, including:
      - i. Cul-de-sacs with parallel parking permitted shall have a minimum 38-foot radius excluding curbs, sidewalks, walkways, or shoulders.
- iii. Interior access drives for manufactured dwelling parks containing more than 50 dwellings must be named and signed in accordance with Public Works standards.
- iv. Lighting shall be installed along the access ways of the manufactured home park at all intersections and near the required recreation areas in accordance with standards set forth by the City and the serving utility company. Wires for service to light poles and manufactured home spaces shall be underground Lighting shall be shielded and hooded so as not to project onto adjacent properties. Dark skies?
- v. Walkways.
  - 1. Concrete walkways meeting all Public Facility design standards shall be provided to connect facility buildings to an access way or public street.
  - 2. For manufactured dwelling parks with more than 10 dwelling spaces, a concrete sidewalk at least 6' wide shall be provided to connect the area to a public sidewalk.
- h. Perimeter screening and landscaping.
  - i. Except for the access roadway into the park, the park shall be screened on all sides by a sight obscuring fence not less than six feet in height, unless otherwise approved by the city. For the purposes of this section and this section only, site obscuring must be provided through the use of durable materials, including combination chain-link and vertical slats.

- ii. When manufactured dwellings are oriented with their back or side yards facing a public right-of-way, the city shall require the planting of a landscape buffer of five to ten feet in width between the right-of-way and a manufactured home park for the privacy and security of park residents or for privacy of adjacent residences. [insert Industrial/RSF buffer characteristics]
  - i. Outdoor storage. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.
  - j. Decks and Patios. All manufactured dwellings shall include a private or semi-private deck, covered porch, or additional patio area.
  - k. Trash Facilities. Communal trash facilities provided to tenants must be located in a fully enclosed and site-obscured structure that provides appropriate access for removal and service.
  - l. Recreational Facilities. A separate general play area of at least 2,500 sq. feet, or at least 100 sq. feet of play area per dwelling, shall be provided for each manufactured dwelling, whichever is greater. The area shall be dedicated for recreational play, group, or community activities, and constructed in accordance with all standards set forth in the Oregon Manufactured Dwelling and Park Specialty Code Section 10-7 Play Areas, notwithstanding the following requirements:
    - i. Play areas shall be improved with grass, plantings, surfacing, or buildings suitable for recreational use.
    - ii. No play area shall be open to the general public.
    - iii. Play areas must be separated from other areas within the manufactured dwelling park by a fence in conformance with the fencing standards of this development code.
    - iv. If a proposed manufactured dwelling park is to be built in phases, one play area shall be provided and constructed with each phase. One play area may serve all phases provided its construction is completed prior to the opening of the first phase.
7. Landscape Plan and Requirements.
- a. A manufactured dwelling park must contain a minimum 20 percent landscaped area. Landscaped areas must be continuously maintained and irrigated with permanent facilities sufficient to maintain the plant material.
  - b. A landscape plan shall be included with the application materials. This plan shall be drawn to scale and show the location of existing trees and vegetation proposed to be removed or retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on site, and any other

pertinent information. The plan shall be consistent with the requirements set forth in LPDC 15.82.010 and the following additional requirements.

- c. *Facility Landscaping.* Interior access roads must contain street trees in accordance with street tree design standards set forth in this code, including placement every 35 feet and observing the appropriate clear vision requirements.
- d. *Site Landscaping.* Manufactured dwelling site areas not occupied by an approved manufactured dwelling, driveway, or accessory structure must be landscaped. Landscaping must be at least 50 percent living material and prioritized to establish a perimeter between dwellings to reduce negative visual effects of roads, vehicle parking, and other storage.

8. *Wildfire Resilience.*

To protect the park, its residents, and surrounding properties from the threat of wildfire, the following standards apply:

- a. *Skirting.* Skirting made of metal mesh (1/8-inch or smaller) shall be used in areas including under porches, exterior stairs, and anywhere the underside of the dwelling is exposed.
- b. *Noncombustible zone.* A noncombustible zone shall be provided underneath and 5 feet out from the dwelling on all sides. This area shall be completely removed of combustible material and shall use rock and other non-combustible landscaping. This area does not count toward the nonliving plant material requirements of the landscaping requirements, below.
- c. *Defensible space.* The area between the noncombustible zone and the boundary of the dwelling space site, not to exceed 30 feet, shall contain adequate separation between trees, shrubs, and other items that could catch fire.
- d. *Fire-resistant attachments.* Any attachments, such as steps, porches, and carports, shall be built with non-combustible ignition-resistant materials.
- e. *Vents.* Dwelling vents, including those on roof and walls, shall be covered with 1/16-inch metal mesh screens.
- f. *Windows.* Windows shall be installed with reinforcements, such as noncombustible screens and shutters.

State law reference(s)—Restrictions on manufactured dwellings and recreational vehicles and parks, ORS 197.475 et seq.

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**Sec. 15.104.070. Temporary recreational vehicle dwelling.**

A. *Applicability.* The placement of an RV on a temporary basis on the same lot occupied by a principal structure may be permitted when a medical condition creates a hardship and the following standards are met. Temporary RV's may be approved through a Type I procedure, pursuant to chapter 15.308, zoning ~~checklist~~ permit.

B. *Standards.*

1. *Verification.* The medical condition must be verified by a doctor's written statement, which shall accompany the zoning ~~checklist~~ permit application.
2. *Owner occupancy.* The property owner shall occupy the principal structure.
3. *Permits.* The applicant shall obtain all necessary permits from the county building and environmental health divisions prior to initiating the use.
4. *Setbacks.* The manufactured dwelling shall be placed behind the principal structure at a separation distance of no less than 15 feet and shall comply with the rear yard requirement for principal structures in the zone.
5. *Time limit and extensions.* The manufactured dwelling shall be in place for a period of no more than one year. An extension of time may be granted by the city manager if the property owner provides verification, in the form of a doctor's written statement, that the medical hardship continues to exist.
6. *Discontinuance.* The manufactured dwelling shall be removed, and disconnected from any electric, water or sewer facility connection for which a permit has been issued not later than 90 days following the date the medical condition ceases to exist.

State law reference(s)—Restrictions on manufactured dwellings and recreational vehicles and parks, ORS 197.475 et seq.

**Sec. 15.104.080. Residential care homes and residential care facilities.**

A. *Applicability.* The following standards are intended to implement state and federal laws pertaining to the Fair Housing Amendments Act. State law allows "residential homes" and "residential facilities" to be placed in any zone that allows a single-family dwelling or multi-family dwelling, respectively. (See ORS 197.665-197.667.) Residential care homes are subject to review and approval through a Type I review procedure under chapter 15.308, zoning ~~checklist~~ permit, prior to issuance of building permits. Residential care facilities are subject to a Type II review and approval under chapter 15.312, site plan review.

B. *Standards.* Residential care homes and residential care facilities, where allowed, shall conform to all of the following standards and procedures:

1. *Licensing and state requirements.* Residential care homes and residential care facilities shall be licensed by the State of Oregon and comply with state requirements, pursuant to ORS 197.660 through 197.670.

2. *Residential care homes.* Residential care homes may provide residential care alone, or in conjunction with treatment or training, for five or fewer individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to single-family dwellings also apply to residential care homes, except where state law supersedes city standards.
3. *Residential care facilities.* Residential care facilities may provide residential care alone, or in conjunction with treatment or training, for between six and 15 individuals who need not be related. Staff required to meet state licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to multi-family dwellings also apply to residential care homes, except where state law supersedes city standards.
4. *Access.* The access and circulation standards of chapter 15.88 shall be met.
5. *Parking.* The parking standards of chapter 15.86 shall be met.
6. *Landscaping.* Residential care facilities are required to comply with the landscaping and screening standards of chapter 15.82. The city may require the installation of a landscape hedge or fence on the property line separating a residential care facility from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. The landscaping standards do not apply to building permits for individual residential care homes.

**Sec. 15.104.090. Home occupations (home-based business).**

- A. *Applicability.* This section applies to home occupation uses in residential zones. A home-based business in a commercial or mixed use zone is considered a commercial use and is not subject to the standards of this section. Home occupations of less than 1,000 square feet of lot area are permitted, provided the owner completes a zoning ~~checklist~~ permit pursuant to chapter 15.308. Home occupations greater than 1,000 square feet of lot area are allowed, subject to approval of a conditional use permit, pursuant to chapter 15.316. For the purpose of this section, "lot area" includes building floor area, areas within accessory structures, and all other portions of a lot.
- B. *Standards.* Home occupations shall conform to all of the standards below, except the city may approve adjustments to the standards through the conditional use permit approval, provided all uses and structures on the subject property conform to applicable city regulations, including, but not limited to, building codes and nuisance regulations.
  1. *Maximum size.* No more than 25 percent of the combined gross floor area of the dwelling and accessory structure(s) shall be devoted to the home-based business.
  2. *Appearance of residence.*

- a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (i.e., prior land use development permit or approval).
- d. No products or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
- e. The home occupation shall be conducted entirely within either the owner-occupied dwelling unit or accessory structure, provided that such accessory structure is clearly accessory and subordinate to the dwelling.

3. *Storage.*

- a. Outside storage visible from the public right-of-way or adjacent properties that exceeds what is customary for a single-family residence in the vicinity is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable material) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be enclosed in a structure or otherwise screened from view from adjacent properties and public right-of-way.

4. *Employees.*

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than two employees at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the legal lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work, pick up, or deliver at the home occupation site.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.

5. *Vehicles, parking, and traffic.*

- a. Not more than one commercially licensed vehicle associated with the home occupation is allowed at the home occupation site in the same 24-hour period.

Vehicles shall be of a size that would not overhang into the public right-of-way when parked.

- b. There shall be no commercial vehicle deliveries between 9:00 p.m. to 7:00 a.m.
6. *Business hours.* There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation only from 7:00 a.m. to 9:00 p.m.
7. *Prohibited home occupation uses.*
- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property line, is prohibited.
  - b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by the home business is allowed.
  - c. The following uses, and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke, or vibration, are prohibited:
    - (1) Ambulance service.
    - (2) Animal hospital, veterinary services, kennels, or animal boarding.
    - (3) Auto and other vehicle repair, including auto painting.
    - (4) Repair, reconditioning, or storage of motorized vehicles, boats, recreational vehicles, airplanes, or large equipment on-site.



# EXHIBIT K

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 6 – SPECIAL USE STANDARDS

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#### CHAPTER 15.108. – SPECIAL USE STANDARDS – NON-RESIDENTIAL USES

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##### Sec. 15.108.020. – Campgrounds and recreational vehicle parks.

- A. *Applicability.* Campgrounds and recreational vehicle parks allow for transient (nonresidential) use. These standards apply to campgrounds in all zones where they are permitted.
- B. *Site design standards.*
  - 1. Minimum lot area shall be two acres.
  - 2. Access to the site shall be from an arterial or collector street.
  - 3. Except for the access roadway into the campground, the campground shall be screened on all sides by a sight obscuring fence not less than six feet in height, unless otherwise approved by the city.
  - 4. Drainage of increased stormwater runoff caused by the development shall be managed so as to prevent ponding, accelerated erosion, or flooding of adjacent properties and roads.
  - 5. No tent, camp site, including sites for RV's, or buildings shall be located within 50 feet of a neighboring lot line.
  - 6. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the campground and located in such number and of such capacity that there is no uncovered accumulation of trash at any time.
  - 7. The space provided for each recreational vehicle shall not be less than 700 square feet exclusive of any space used for common areas such as roadways, general use structures, walkways, parking spaces for vehicles other than recreational vehicles and landscaped areas.
  - 8. A space provided for a recreational vehicle shall be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide for the control of runoff of surface water. The part of the space, which is not occupied by the

recreational vehicle, not intended as an access way to the recreational vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.

9. A recreational vehicle space shall be provided with piped potable water and sewage disposal service. A recreational vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.
10. A recreational vehicle space shall be provided with electrical service.
11. The total number of parking spaces in the campground and recreational vehicle park, except for the parking provided for the exclusive use of the manager or employees of the campground, shall be one space per recreational vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
12. The campground and recreational vehicle park shall provide toilets, lavatories and showers for each sex in the following ratios: For each 15 recreational vehicle spaces or any fraction thereof, one toilet, one urinal, one lavatory and one shower for men; two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
13. The campground and recreational vehicle park shall provide one utility building or room containing one clothes washing machine, one clothes drying machine and 15 square feet of space for clothes drying lines for each ten recreational vehicle spaces or any fraction thereof, unless such facilities are available within a distance of three miles and are adequate to meet these standards.

C. *Use standards.*

- ~~1. No recreational vehicle shall remain in the campground for more than 30 days in any 60-day period.~~
1. Required building spaces shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities which shall maintain a room temperature of 68 degrees Fahrenheit, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces and shall be provided with floor drains adequate to permit easy cleaning.
2. A neat appearance shall be maintained at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the campground or to any guest of the park.
3. Evidence shall be provided that the campground will be eligible for a certificate of sanitation as required by state law.

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**Sec. 15.108.050. – Marijuana businesses.**

A. *Applicability.* The requirements of this section apply to all marijuana businesses.

B. *Procedures.*

1. Marijuana businesses, including a new marijuana business located at the same location as [a] previously approved marijuana business, shall obtain a zoning checklist pursuant to chapter 15.308, and/or a site plan review approval pursuant to chapter 15.312, whichever is required by article 8.
2. All applications shall be made in the same name as the "registrant," ~~as that term is defined in ORS 475B.610(1)(b)~~ or the "licensee," ~~as that term is defined in ORS 475B.015~~ as those terms are defined in ORS 475C.
3. For purposes of this section, [the term] "premises" means:
  - (a) All public and private enclosed areas at the location that are used in the business operated at the location, including, without limitation, offices, kitchens, restrooms, and storerooms; and
  - (b) All areas outside the building that are licensed and/or registered (or proposed to be specifically licensed and/or registered) under applicable Oregon law.
  - (c) Applicable setbacks and buffers for a proposed marijuana business are measured from the boundary of the premises of the marijuana business.

C. *Additional approval criteria.* In addition to any applicable approval criteria for zoning permit and/or site plan review approval, the applicant shall comply with the following approval criteria:

1. An application for a marijuana business must have a current city business license at the time of application.
2. Applicant's proposal must demonstrate compliance, or the ability to comply (with appropriate conditions of approval), with applicable provisions of the time, place, and manner restrictions.
3. Marijuana businesses shall be setback at least 50 feet from Highway 97.
4. A public entrance to a marijuana business shall not be visible from or oriented towards Highway 97 or Huntington Road, unless the marijuana business is located in a building that is more than 50 feet from the right-of-way of those roadways.
5. A marijuana business cannot be approved as a home occupation or home-based business.

6. Marijuana businesses can only be approved in the zones in which the specific type of marijuana business is expressly identified as an allowed use. Permissibility of one type of marijuana business in a particular zone cannot be the basis to allow a non-permitted type of marijuana business as a similar use in that zone.
7. Co-location of marijuana businesses on the same property is permitted except as prohibited by state law, the time, place, and manner restrictions, and this Development Code.
8. All marijuana businesses will conduct operations inside secure, enclosed structures. Marijuana products may not be displayed in a manner that is externally visible to the public. No drive-through, curb-side, mobile, or other external sale methods are permitted.
9. The applicant shall demonstrate how the proposed marijuana business complies with all state security system requirements applicable to the proposed marijuana business.
10. The applicant must demonstrate how measures to control odors satisfies applicable requirements set forth in the time, place, and manner restrictions.
11. The structure within which the marijuana business will operate must meet applicable fire and building code requirements.
12. Applications for a specific type of marijuana business shall satisfy the additional standards applicable to that type of marijuana business set out in subsections D. through G. below.

~~C. [D.]~~ D. *Additional criteria for marijuana dispensaries.*

1. The premises for a proposed marijuana dispensary must comply with the applicable location restrictions set forth in the time, place, and manner restrictions.
2. Marijuana dispensaries are considered "retail stores" for purposes of parking requirements.

~~D. [E.]~~ E. *Additional criteria for marijuana production facilities.*

1. Marijuana production facilities shall only be approved if the growing activities occur exclusively within permanent, fully enclosed, rigid, non-translucent structures that require a structural building permit. All lighting used for growing purposes must be contained completely inside the structure. No hoop-houses, sheds, shipping containers, trailers, or similar structures are permitted.
2. Under no circumstances, and notwithstanding anything in this Development Code to the contrary, may retail sales of marijuana products occur at the same location as a marijuana production facility.

3. Where multiple producers operate in the same building or on the same property, initial construction and any expansion to any building shall be subject to site plan review. Each tenant, and each change in tenant, shall require approval of a zoning permit.

~~E. [F.]~~ F. *Additional criteria for marijuana processing facilities.*

1. Marijuana processing operations shall only occur in permanent, fully enclosed, rigid, non-translucent structures requiring a structural building permit.
2. Under no circumstances, and notwithstanding anything in this Development Code to the contrary, may retail sales of marijuana products occur at the same location as a marijuana processing facility.
3. Where multiple processors operate in the same building or on the same property, initial construction and any expansion to any building shall be subject to site plan review. Each tenant, and each change in tenant, shall require approval of a zoning permit.

~~F. [G.]~~ G. *Additional criteria for marijuana testing laboratories.*

1. Under no circumstances, and notwithstanding anything in this Development Code to the contrary, may retail sales of marijuana products be conducted by a marijuana testing laboratory.

~~G. [H.]~~ H. *Conditions of approval.* In addition to any conditions of approval imposed as part of zoning checklist and/or site plan review approval, and any other standards for the zone in which the marijuana business is located, marijuana businesses are subject to the following conditions of approval:

1. The applicant for a marijuana business shall obtain and present documentation of all applicable state approvals, registration, licensing, and permitting to the city within six months of zoning permit or site plan review approval.
2. Marijuana businesses shall keep all required state registration, licensing, and permitting current.
3. Marijuana businesses shall keep all required city business license or other required permits current.
4. At all times, marijuana businesses shall remain compliant with applicable provisions of the time, place, and manner regulation and applicable state laws governing the applicable marijuana business, all as they may be amended from time to time.
5. The applicant shall provide the city notice and applicable documentation from the state of any change in the "licensee" or "registrant" for a marijuana business or the suspension, loss, or forfeiture of any state approval, registration, licensing, or permitting.

6. The zoning checklist and/or site plan review approval for a marijuana business shall be void if any condition of approval is violated and not cured within 30 days of notice from [the] city unless a cure is not reasonably possible within 30 days in which case the applicant must provide sufficient evidence, in [the] city's discretion, that the applicant has made reasonable progress towards a cure and the cure will be remedied [in] a timely manner, but no later than 60 days.
7. The zoning checklist and/or site plan review approval shall expire if the business does not operate for any period of six consecutive months.

(Ord. No. 2020-05, § 2(exh. B), 2-12-2020)

# EXHIBIT L

## PART III - CITY OF LA PINE DEVELOPMENT CODE

(\*\*\*)

### Article 7 – PROCEDURES

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#### CHAPTER 15.202. – SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS

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##### Sec. 15.202.010. – Purpose and applicability.

- A. *Purpose.* The purpose of this chapter is to establish decision-making procedures that will enable the city, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 15.202-1 provides a key for determining the review procedure and the decision-making body for particular applications.
- B. *Applicability of review procedures.* All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this article as modified by any applicable application-specific procedures identified in articles 8 and 9. The procedure "type" assigned to each application governs the decision-making process for that application. There are four types of review procedures as described in subsections 1—4 below. Table 15.202-1 lists the city's land use and development applications and corresponding review procedure(s).
  - 1. *Type I procedure (ministerial staff review with no notice).* Type I decisions are made by the city planning official, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying city standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards). The city planning official may elect to process a Type I application under a Type II procedure.
  - 2. *Type II procedure (administrative/staff review with notice).* Type II decisions are made by the city planning official, with public notice and an opportunity for appeal to the planning commission. Alternatively, the city planning official may refer a Type II application to the planning commission for its review and decision in a public meeting.
  - 3. *Type III procedure (quasi-judicial review - public hearing).* Type III decisions are made by the planning commission after a public hearing, with an opportunity for appeal to the city council except for decisions on all quasi-judicial comprehensive plan amendments and zone changes which must be adopted by the city council before becoming effective. Quasi-judicial decisions involve discretion but implement established policy. They involve the application of existing law or policy to a specific factual situation.

4. *Type IV procedure (legislative review).* The Type IV procedure applies to the adoption of law or policy applicable citywide or to a broad geographical area of the city. Legislative actions provide for the establishment and modification of land use plans, policies, regulations, and guidelines. Type IV reviews are considered by the planning commission, which makes a recommendation to city council. City council makes the final decision on a legislative proposal through the enactment of an ordinance.

<i>Table 15.202-1. Summary of Approvals by Type of Review Procedure</i>		
<i>Application*</i>	<i>Review Procedures</i>	<i>Applicable Regulations</i>
Legal lot determination procedure	Type II	Chapter 15.304
Zoning checklist permit	Type I	Chapter 15.308
Certificate of use and occupancy	Type I	Chapter 15.308 [15.306]
Site plan review	Type II	Chapter 15.312
Conditional use	Type II	Chapter 15.316
Mobile food unit site permit	Type I — III	Chapter 15.318
Variance	Type III	Chapter 15.320
Variance, minor	Type II	Chapter 15.320
Variance, riparian	Type III	Chapter 15.320
Exceptions	Type III	Chapter 15.324
Code interpretation	Type II	Chapter 15.328. Routine interpretations that do not involve discretion do not require a permit
Street vacation	Type III / IV	Chapter 15.330
Dedications not part of development	NA	See Chapter 15.332
Map amendment (quasi-judicial zone change)	Type III	Chapter 15.344 [15.334]
Legislative text or map amendment	Type IV	Chapter 15.344 [15.334]
Annexation	Type III / IV	Chapter 15.338
Downtown design exception	Type III	Section 15.40.025
<i>Land Divisions</i>		
Subdivision, PUD or re-plat of > 3 lots	Type III	Chapter 15.406
Preliminary plat	Type I	
Final plat	Type I	
Partition or re-plat of 2—3 lots	Type II	Chapter 15.410
Minor - preliminary plat	Type II	
Major - preliminary plat	Type III	
Final plat	Type I	
Boundary Property line adjustments	Type I	Chapter 15.414
Re-platting	Type II	



# EXHIBIT M

## PART III - CITY OF LA PINE DEVELOPMENT CODE

(\*\*\*)

### Article 7 – PROCEDURES

#### CHAPTER 15.204. – APPLICATION PROCEDURES

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##### Sec. 15.204.010. Type I procedure (ministerial/staff review).

- A. *Type 1 procedure (staff review).* The city planning official, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure because a Type 1 decision is neither a land use decision nor a limited land use decision under ORS 197.015. Ministerial decisions are those where city standards and criteria do not require the exercise of discretion (i.e., there are clear and objective standards). The city planning official's review of a zoning ~~checklist~~ permit is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit. Alternatively, the planning official may elect to process a Type I application under a Type II procedure.
- B. *Application requirements.* Approvals requiring Type I review shall be made on forms provided by the city; or, in the case of a zoning ~~checklist~~ permit, the city planning official may determine that the building permit application provides sufficient information. Applications shall:
  - a. Include the information requested on the application form;
  - b. Address the criteria in sufficient detail for review and action; and
  - c. Be filed with the required fee.
- C. *Criteria and decision.* Type I applications shall be approved or denied by the city planning official upon consideration of the applicable clear and objective criteria.
- D. *Effective date.* A Type I decision is final on the date it is signed by the city planning official unless appealed by the applicant in accordance with subsection F.
- E. *Notice.* Notice of a decision shall be provided to the applicant or the applicant's representative and the property owner.
- F. *Appeals.* The applicant for a Type I review may appeal [the] planning official's decision on the application to the planning commission. The appeal shall be filed, pursuant to the provisions of chapter 15.212, within 12 days from the date of the decision. A Type I decision is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state land use board of appeals.

(Ord. No. 2024-02, § 10(exh. I), 12-11-2024)  
State law reference(s)—Definitions, ORS 197.015.

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**Sec. 15.204.020. - Type II procedure (administrative review with notice).**

The planning official performs administrative staff reviews through the Type II procedure. Type II decisions are made by the planning official with public notice and an opportunity for appeal to the planning commission. Alternatively, the planning official may refer a Type II application to the planning commission for its review and decision in a public meeting.

*A. Application requirements.*

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

*B. Notice of pending administrative decision (notice of application).*

1. The purpose of the notice of pending administrative decision is to give nearby property owners and other interested people and agencies the opportunity to submit written comments on the application before the planning official issues the decision. Within ten days of receipt of a complete application for a Type II land use action, the planning official shall mail notice of a pending Type II decision to the individuals and agencies [listed in paragraph 3 of this subsection B].
2. The comment period shall be at least 14 days in duration from the date the notice was mailed, or a longer {period} as specified in the notice. ~~The deadline for Written comments must be submitted~~ written comments must be at least 14 days prior to the scheduled decision date no later than the close of the 14th day of the comment period or, as applicable, the scheduled planning commission meeting date where an application is referred to the commission for review.

3. All of the following individuals and agencies shall be notified. However, the failure of a property owner to receive mailed notice shall not invalidate any land use approval if the planning official can show by affidavit that such notice was given.
  - a. The applicant;
  - b. Owners of record of property as shown on the most recent property tax assessment roll of property located within 100 feet of the property that is the subject of the notice where any part of the subject property is within an urban growth boundary;
  - c. The owner of a public use airport if the airport is located within 10,000 feet of the subject property;
  - d. ~~e. [d.]~~ The planning commission;
  - e. ~~f. [e.]~~ Any neighborhood or community organization formally recognized by the city council, whose boundaries include the site;
  - f. ~~g. [f.]~~ Any person who submits a written request to receive a notice; and
  - g. ~~h. [g.]~~ Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city and any other affected agencies. At a minimum, the city planning official shall notify the road authority if different than the City of La Pine. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the city under this Development Code.
4. ~~3. [4.]~~ The notice of pending administrative decision, at a minimum, shall contain all of the following information:
  - a. The deadline for submitting written comments, which must be at least 14 days prior to the scheduled decision date or, as applicable, the scheduled planning commission meeting date where an application is referred to the commission for review;
  - b. A summary of the proposal and the relevant approval criteria in sufficient detail to help the public identify and locate applicable Development Code requirements;
  - c. The address and city contact person for submitting written comments; and the date, time, and location the city planning official or planning commission, as applicable, is scheduled to make a decision on the application;
  - d. The street address or other easily understandable reference to the location of the proposed use or development;
  - e. Disclosure statement indicating that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the land

use board of appeals or circuit court on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;

- f. Statement that all evidence relied upon by the city planning official or planning commission, as applicable, to make its decision is in the record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the city; and
- g. Statement that after the comment period closes, the city will issue its decision and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

*C. Decision.*

- 1. At the conclusion of the comment period, the city planning official shall review the comments received and prepare a decision notice approving, approving with conditions, or denying the application based on the applicable Development Code criteria. Alternatively, the city planning official may transmit all written comments received, if any, along with a copy of the application to the planning commission for review and decision at its next regularly scheduled meeting.
- 2. Where the city planning official refers an application subject to administrative review to the planning commission, the planning commission shall approve, approve with conditions, or deny the application through the Type II procedure based on the applicable Development Code criteria. The planning commission may continue its review to the next meeting to allow the applicant time to respond to questions, provided that the commission makes a final decision within the time period prescribed under state law (ORS 227.178) and as described in section 15.202.020 of this Development Code. Alternatively, the applicant may voluntarily waive his or her right to a final decision within the required timeframe and the commission may decide to accept oral and written testimony in a public hearing review of the application, pursuant to [section 15.204.030](#); in which case, a new public notice must be mailed to those who received the original notice indicating the change to a quasi-judicial (public hearing) review procedure.

*D. Notice of decision.*

- 1. Within seven days of a Type II decision, the city planning official shall prepare a notice of decision and mail it to the applicant, property owner (if different), the building official, those who provided written comments on the proposal, and those who requested a copy of the decision. If the decision is not a limited land use decision as defined in ORS 197.015(12), notice shall also be sent to all persons entitled to notice under subsection B.
- 2. The city planning official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.

3. The administrative notice of decision shall contain all of the following information:
  - a. A description of the applicant's proposal and the city's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the record;
  - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area (a copy of assessor's map may be used);
  - c. A statement of where the city's decision can be obtained;
  - d. The date the decision shall become final, unless appealed; and
  - e. A statement that all persons entitled to notice may appeal the decision to city council pursuant to subsection F.
- E. *Effective date of decision.* Unless the conditions of approval specify otherwise, an administrative decision becomes effective 12 days after the city mails the decision notice, unless the decision is appealed pursuant to subsection F or the decision is called up for review by the city council pursuant to subsection G. No building permit shall be issued until a decision is final. Appeal of a final decision to LUBA does not affect the finality of a decision at the local level for purposes of issuing building permits.
- F. *Appeal of Type II (administrative) decision.*
  1. *Who may appeal.* The following people have legal standing to appeal a Type II administrative decision:
    - a. The applicant or owner of the subject property;
    - b. Any person who was entitled to written notice of the Type II decision; and
    - c. Any other person who participated in the proceeding by submitting written comments on the application to the city by the specified deadline.
  2. *Appeal filing procedure.* Appeals shall be filed in accordance with [chapter 15.212](#).
- G. *Review by council.*
  1. Review of an administrative action or a planning commission decision may be initiated by the city council. The council shall consider calling up for review any administrative decision that a majority of the planning commission recommends be reviewed.
  2. Review by the council shall be initiated by council order within 12 days of the date of the mailing of the final written decision of the planning official or planning commission.

3. Review shall be conducted in the same manner provided for in appeals, except that an appeal fee and transcript shall not be required. Any council order calling up for review a decision shall specify whether the council will review the decision called up on the record or de novo, and whether it intends to limit the issues on review to certain specified issues.

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**Sec. 15.204.040. - Type IV (legislative decisions).**

- A. *Timing of requests.* The city council may establish a schedule for when it will accept legislative code amendment or plan amendment requests, or the city council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.
- B. *Application requirements.*
  1. *Application forms.* Legislative applications shall be made on forms provided by the city planning official.
  2. *Submittal information.* The application shall contain all of the following information:
    - a. The information requested on the application form;
    - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
    - c. The required fee, except when City of La Pine initiates request;
    - d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards; and
    - e. Evidence of neighborhood contact, if applicable pursuant to [section 15.202.050](#).
- C. *Procedure.* Hearings on Type IV applications are conducted similar to city council hearings on other legislative proposals, except the notification procedure for Type IV applications must conform to state land use laws (ORS 227.175), as follows:
  1. The city planning official shall notify in writing the Oregon Department of Land Conservation and Development (DLCD) of legislative amendments (zone change, rezoning with annexation, or comprehensive plan amendment) at least 35 days before the first public hearing at which public testimony or new evidence will be received. The notice shall include a DLCD certificate of mailing.
  2. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance ~~for any zone change~~ that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

- a. Each owner whose property would be directly affected by the proposal rezoned in order to implement the ordinance (e.g., rezoning or a change from one comprehensive plan land use designation to another i.e., owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment); see ORS 227.186 for instructions;
  - b. Any affected governmental agency;
  - c. Any person who requests notice in writing; and
  - d. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
  - e. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.
- 3. At least ten days before the scheduled city council public hearing date, public notice shall be published in a newspaper of general circulation in the city.
- 4. For each mailing and publication of notice, the city planning official shall keep an affidavit of mailing/publication in the record.
- D. *Final decision and effective date.* A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance or, if not approved, upon mailing of the notice of decision to the applicant. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the department of land conservation and development within 20 business days after the city council decision is filed with the city planning official. The city shall also provide notice to all persons as required by other applicable laws.

# EXHIBIT N

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 8 – APPLICATIONS AND REVIEWS

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#### CHAPTER 15.306. – CERTIFICATE OF USE AND OCCUPANCY

##### Sec. 15.306.010. Applicability.

It shall be unlawful to use and/or occupy any building, other structure, and/or land until a certificate of use and occupancy for such building, other structure and/or land has been issued by the city. The purpose of the certificate is to confirm that the work or development described in applicable land use approvals has been completed in compliance with this Development Code. The application for issuance of a certificate of use and occupancy may be issued at any time after the applicant has obtained all applicable land use approvals.

##### Sec. ~~15.306.020.~~ 15.306.020. - Procedure type.

Certificates of use and occupancy are subject to Type I review in accordance with the procedures in article 7.

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##### Sec. 15.306.040. – Approval criteria.

Certificates of use and occupancy shall be evaluated for compliance with the zoning ~~checklist~~ permit or land use approvals authorizing the use, construction, or alteration of the site and/or building.



# EXHIBIT O

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 8 – APPLICATIONS AND REVIEWS

(\*\*\*)

#### CHAPTER 15.308. – ZONING ~~CHECKLIST~~ PERMIT

##### Sec. 15.308.010. - Applicability.

A zoning ~~checklist permit~~ shall be required for any of the following (except where otherwise indicated in this Development Code):

- A. Commencing a use, changing a use or intensity of use, or extending or displacing the use of any building, structure, and/or land in the city.
- B. Construction, erection, enlargement, reconstruction, or structural alteration of any single-family dwelling (including placement of a mobile or manufactured home on a property), duplex, or accessory dwelling unit and any other structure accessory to a residential use that requires a building permit.

##### Sec. 15.308.020.~~[15.308.020.]~~ - Procedure type.

Zoning ~~checklist permit~~ are subject to Type I review in accordance with the procedures in [article 7](#). Notwithstanding anything in this chapter to the contrary, the city planning official may require site plan approval if the city planning official determines the proposal would require a greater number of parking spaces than presently provided on the site, require an upgrade in water or sewer infrastructure to serve the proposed use, or would require a new point of access.

##### Sec. 15.308.030. - Submittal requirements.

The following materials shall be submitted, provided that the city planning official may waive one or more of these requirements upon finding that the building permit application provides sufficient information:

- A. *Forms of application.* The application for a zoning ~~checklist permit~~ shall be submitted in such form as the city may prescribe and shall be accompanied by the applicable fee.
- B. *Site plan diagram.* All applications shall be accompanied by a site plan diagram. The site plan shall be drawn to a suitable scale and shall clearly and accurately show property lines, dimensions of buildings and lots, both existing and proposed, abutting streets and sidewalks, proposed uses of buildings and lots, north arrow and scale, and any other information which the city may require to make a decision. One copy shall be returned to the applicant indicating approval or disapproval; one copy shall be retained by the city.

- C. *Additional application requirements for uses specified.* An application for a use specified shall be accompanied by additional information and drawings as appropriate to demonstrate how the proposed use and the design of that use will comply with the applicable conditions, criteria, and standards specified in this Development Code and/or applicable land use approvals. If such use is a conditional use, further information and drawings may be required by the city to address compliance with any other conditions imposed by the city.

**Sec. 15.308.040. - Approval criteria.**

The review authority shall be governed by the criteria below as they evaluate and render a decision on a proposal.

- A. The proposed use is a permitted use in the zone in which the site is located. If the proposed use is a conditional use, a conditional use application has been submitted and approved by the city.
- B. The site provides the required number of bicycle and vehicle parking spaces.
- C. The proposal complies with the development standards and additional standards of the underlying zoning, and any criteria applicable within Article 6 and Article 8 to the proposed use.
- D. The proposal does not violate applicable set back or lot coverage requirements.
- E. The proposal complies with any applicable conditions of approval in prior land use decisions concerning the site.

# EXHIBIT P

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 8 – APPLICATIONS AND REVIEWS

(\*\*\*)

#### CHAPTER 15.312. – SITE PLAN REVIEW

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##### Sec. 15.312.020. - Applicability.

The following uses and development shall be subject to the provisions of this section:

- A. All new construction or new development except for: single-family residences (including manufactured dwellings, mobile homes, modular homes), duplexes, accessory dwelling units and related accessory structures unless provided otherwise in this chapter.
- B. An exterior alteration or modification to an existing nonresidential use or structure, which is subject to site plan review and/or is subject to regulation under the provisions of this chapter, except for painting, replacement of roofing and siding, and other normal maintenance and upkeep requirements which are not subject to regulation under the provisions of this chapter or any other applicable city, county, state and/or federal regulations.
- C. Any alteration or modification of site improvements, such as the removal of landscaping, the addition or removal of parking and/or loading facilities and areas out of compliance with the standards of Chapter 15.86, in conjunction with an existing nonresidential use which is subject to site plan review and/or is subject to regulation under the provisions of this chapter.

# EXHIBIT Q

## PART III - CITY OF LA PINE DEVELOPMENT CODE

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### Article 9 – LAND DIVISIONS

#### CHAPTER 15.414. – PROPERTY LINE ADJUSTMENTS

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##### Sec. 15.414.010. - Property line adjustments.

- A. *Submission requirements.* All applications for a property line adjustment shall be made on forms provided by the city and shall include information required for a Type I review, pursuant to [article 7](#). The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions, footprints and dimensions of existing structures (including accessory structures), location and dimensions of driveways and public and private streets within or abutting the subject lots, location of lands subject to the flood plain overlay or other overlay zones, existing fences and walls, and any other information deemed necessary by the planning official for ensuring compliance with city codes. The application shall be signed by all of the owners as appearing on the deeds of the subject lots.
- B. *Approval criteria.* The planning official shall approve or deny a request for a property line adjustment in writing, based on all of the following criteria:
1. *Parcel creation.* No additional parcel or lot is created by the property line adjustment;
  2. *Lot standards.* All lots and parcels conform to the applicable lot standards of the zoning district ([article 3](#)), including lot area, dimensions, setbacks, and coverage. Each parcel shall be suited for the use intended or to be offered, including, but not limited to, buildable area, sewage disposal, water supply, guaranteed access and utilities. As applicable, all lots and parcels shall conform the flood plain overlay or other applicable overlay zones ([article 4](#)); and
  3. *Access and road authority standards.* All lots and parcels conform to the standards or requirements of [article 5 \(chapter 15.88\)](#), access and circulation, and all applicable road authority requirements are met. If a lot is non-conforming to any city or road authority standard, it shall not be made less conforming by the property line adjustment.

(Ord. No. 2024-02, § 12(exh. K), 12-11-2024)

##### Sec. 15.414.020. - Final map recordation - property line adjustment.

- A. The final map for a property line adjustment survey shall comply with the requirements of ORS 92 and 209. The original plat shall be prepared at a scale and in a format as specified on the application form.

- B. The original plat and an exact copy shall be submitted to and approved by the planning official. The approval shall be evidenced by signature on both the original and exact copy.
- C. The original plat and exact copy shall be submitted along with the appropriate recording fee to the county surveyor for recording into the county survey records.
- D. The original plat and exact copy shall then be submitted along with the appropriate recording fee to the county clerk for recording into the county clerk's records.
- E. After recording information is placed on the exact copy by the county clerk, the exact copy and the required number of points, a minimum of six copies, unless otherwise specified by the county surveyor at the time of survey recording, shall then be submitted to the county surveyor to complete the recording process.
- F. After recording information is placed on the exact copy, a copy shall then be submitted to the planning official, together with an electronic copy in a format approved by the City of La Pine.

(Ord. No. 2024-02, § 12(exh. K), 12-11-2024)

**State Law reference—** Final approval of plats and plans, ORS 92.010 et seq.; county surveyors, ORS 209.005 et seq.