



FINDINGS AND DECISION

DECISION DATE: March 26, 2026

FILE NUMBER: SPR3-25-0003

APPLICANT: Jesse Bath
2660 NE Hwy 20 Suite 610-2
Bend, OR 97701

OWNER: BP Holdings
2660 NE Hwy 20
Bend, OR 97701

LOCATION: The subject property is located at 16630 Box Way, La Pine, Oregon 97739. The Tax Lot number is 132 on Deschutes County Assessor’s Map 22-10-14-AB.

REQUEST: The applicant is requesting Site Plan Review to construct a 6,400 sf sprinkled building, that will be used for tenant lease spaces.

STAFF CONTACT: Brent Bybee, Community Development Director
Email: bbybee@lapineoregon.gov
Phone: (541) 668-1135

DECISION: Approved, subject to the conditions of approval identified below

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA

PART III, CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 3 - ZONING DISTRICTS

CHAPTER 15.24. - INDUSTRIAL AND PUBLIC FACILITY ZONES

ARTICLE 5 - DEVELOPMENT STANDARDS

CHAPTER 15.80 – DEVELOPMENT STANDARDS, GENERALLY

CHAPTER 15.82. - LANDSCAPING, BUFFERING AND FENCES

CHAPTER 15.86. - PARKING AND LOADING

CHAPTER 15.88. - ACCESS AND CIRCULATION

CHAPTER 15.90. - PUBLIC FACILITIES

CHAPTER 15.94. - IMPROVEMENT PROCEDURES AND GUARANTEES

ARTICLE 7 - PROCEDURES

CHAPTER 15.202. - SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS

CHAPTER 15.204. - APPLICATION PROCEDURES

ARTICLE 8 - APPLICATIONS AND REVIEWS

CHAPTER 15.312. - SITE PLAN REVIEW

II. BASIC FINDINGS

ZONING: The subject property is zoned Industrial Zone (I).

PARCEL SIZE: The subject property is 0.43-acres in size.

LOT LEGALITY: The subject property was created as Lot 14 of the Newberry Business Park, Filed with the Deschutes County Clerk's office on January 25, 2002.

REVIEW PERIOD: The subject application was submitted on September 24, 2025, and deemed incomplete by the Planning Division October 23, 2025. A response to the Incomplete Letter was received and the application was deemed complete on December 18, 2025. The 120th day on which the City must take final action on this application is April 17, 2026.

EXISTING DEVELOPMENT: The subject property is currently vacant, with scattered mature lodgepole pine trees.

SURROUNDING LAND USES: Surrounding properties are zoned Industrial (I), with properties to the west, north, and east vacant. Property to the south across Box way is developed with a childcare center.

UTILITIES: The subject property has the following utility connections and service providers:

- Water: City of La Pine Public Works
- Sewer: City of La Pine Public Works
- Fire: La Pine Rural Fire Protection District
- Road Access: Deschutes County Public Works
- Sidewalks: City of La Pine Public Works

PERMIT HISTORY:

- N/A

III. AGENCY AND PUBLIC COMMENTS

PUBLIC AGENCY COMMENTS: The La Pine Community Development Department sent mailed and electronic notice on January 14, 2026, to several public agencies and received the following comments:

Deschutes County Building Department, Krista Appleby

NOTICE: The Deschutes County Building Safety Divisions code mandates that Access, Egress, Setbacks, Fire & Life Safety, Fire Fighting Water Supplies, etc. must be specifically addressed during the appropriate plan review process with regard to any proposed structures and occupancies.

Accordingly, all Building Code required items will be addressed, when a specific structure, occupancy, and type of construction is proposed and submitted for plan review.

Deschutes County Road Department, Quinn Shubert:

I have reviewed the application materials for the above-referenced file number, proposing a 6,400 sf sprinkled building on Tax Lot 132 on County Assessor's Tax Map 22-10-14AB. Deschutes County Road Department requests that approval of the proposed land use be subject to the following conditions:

1. Improvement Plans

Any improvements required by the City shall be reviewed under the Road Department's improvement plan review process. The applicant shall submit one complete set of civil improvement plans, stamped and signed by a Professional Engineer licensed in the State of Oregon, to Deschutes County for review and approval.

A plan-review deposit of \$330.00 is required at submittal. County staff time for plan review is billed at actual cost against the deposit. Most projects' total review cost is less than the deposit; any unused balance will be refunded, and any shortfall will be invoiced.

The applicant shall not remove, alter, or fill any portion of the newly constructed roadside swale along the site frontage, except where specifically approved for driveway/access construction. Any proposal to modify the swale beyond the access footprint must be approved by the County and any modification or removal of the swale may require a comprehensive drainage plan, prepared and stamped by an Oregon-licensed Professional Engineer, demonstrating how stormwater along the full frontage will be managed without adverse impacts and in compliance with COSM standards.

2. Driveway Access Permit

The applicant shall apply for a Driveway Access permit. A Driveway Access Permit is required for any access to a county road. Driveway permits are administered by the Community Development Department (CDD) and additional details and the application guide can be found here:

Driveway Access Application Guide

3. ROW Activity Permit

Prior to any work being performed in the right of way the applicant shall obtain a Right of Way Activity permit from the Road Department. A link to the application is provided below:

ROW Activity Permit

FINDING: To ensure compliance, the following condition of approval is included.

Deschutes County Road Department Comments: ***Prior to the preconstruction meeting***, the applicant shall complete a Deschutes County improvement plan review with the County Road Department so that the County Engineer can review the final improvement designs along the Box Way frontage. The Applicant shall also apply for a driveway access permit, and right of way permit with the county. The results of this review shall be passed along to the City.

Anderson Perry – Contract City Engineer, Jeff Clay P.E.

Per the City of La Pine's request, Anderson Perry & Associates, Inc., has prepared this memo discussing the public improvements required for the development of an industrial lease space building on Lot 14 of the Newberry Business Park at 16630 Box Way. The public improvements shown on the site plan were reviewed

using the City's 2016 Standards and Specifications Design Standards (Design Standards). The review comments are listed below by public facility.

Street

- Box Way is currently improved.
- The public street improvements shown on the site plan for Box Way show a new driveway and a 6-foot wide sidewalk across the property frontage.
 - The driveway is compliant with the City's Design Standards.
 - The sidewalk is compliant except at the west end (where it crosses in front of the electrical box) where the width drops to 3.41 feet. PROWAG R302.2 Continuous Clear Width requires that the continuous clear width of pedestrian access routes shall be 48 inches (1,220 millimeters) minimum, exclusive of the width of any curb.
 - Provide a street improvement plan addressing this issue that complies with Design Standards - "Design Parameters," A. Street, and Design Standards - "Drawings."

Stormwater

Stormwater improvement plans for Box Way are not required since no street improvements are proposed that would affect the existing stormwater drainage. On-site stormwater runoff will continue to be contained on site.

Sewer

- Provide details of the connection to the existing sewer service, septic tank, and sewer service cleanouts that comply with Design Standards - "Design Parameters," C. Sewer, and Design Standards - "Drawings."
- Show the proposed sewer service and proposed septic tank locations on the site plan. Specify the septic tank size to comply with the minimum volume requirement stated in the Design Standards.

Water

- Provide details of the hot tap on the existing water main for the fire and water services as well as the water meter box that complies with Design Standards - "Design Parameters," D. Water, and Design Standards - "Drawings."
- The existing water meter box is shown on the site plan. Show the location of the backflow prevention device on the site plan.
- A new fire service is shown on the site plan. Provide a public utility plan showing the water main tap, fire service, backflow prevention device, and fire department connection locations.

The development will comply with the City's 2016 Standards and Specifications Development Provisions. The following provisions are reiterated below to ensure the timely progression of the development.

- Prior to final site plan approval, and only for those improvements that are to be constructed and not otherwise paid for separately by fee in lieu, the applicant shall provide the City with a performance bond of 120 percent of the cost of the improvements prior to construction.
- Prior to construction, a pre-construction meeting with the construction Contractor shall be held with City staff.
- At the completion of the construction of the required improvements, the City will require a one-year maintenance surety bond for 20 percent of the value of all improvements to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.

FINDING: The performance and maintenance bond requirements are conditioned in Chapter 15.94, below. To ensure compliance, the following conditions of approval are included.

Sidewalk Improvement Plans: ***Prior to the preconstruction meeting***, sidewalk and street improvement plans shall comply with Design Standards, II. Design Parameters A. Street, and III. Drawings shall be submitted to the City for review.

Sewer Service and Tank Design: ***Prior to the preconstruction meeting***, Provide details of the connection to the existing sewer service, septic tank, and sewer service cleanouts that comply with Design Standards - "Design Parameters," C. Sewer, and Design Standards - "Drawings."

Sewer Service and Tank Location: ***Prior to the preconstruction meeting***, Show the proposed sewer service and proposed septic tank locations on the site plan. Specify the septic tank size to comply with the minimum volume requirement stated in the Design Standards.

Details of the Water Plan: ***Prior to the preconstruction meeting***, provide details and location of the hot tap on the existing water main, fire service, water service, backflow prevention device, and water meter box that comply with Design Standards, II. Design Parameters, D. Water, and III. Drawings. A public utility plan showing the water main tap, fire service, backflow prevention device, and fire department connection locations shall also be provided.

Preconstruction Meeting: ***Prior to construction***, a pre-construction meeting with the construction contractor shall be held with City staff. Contact the City prior to any work in the ROW, including City water, City sewer, or other utilities. To schedule the preconstruction meeting, the applicant shall reach out to the Community Development Department and submit a narrative describing how each of the required preconstruction conditions of approval have been, or will be, met. The required fee for a preconstruction meeting will be assessed and due prior to the meeting.

Deputy State Fire Marshall, Clara Butler

Findings: Unable to provide accurate comments- a to-scale site plan is required. All fire code requirements shall be met.

WATER:

- **Water Supply – 2025 OFC Appendix B / Fire Hydrant Spacing – 2022 OFC Section 507 and Appendix C**
 - Type VB construction at 6,400 square feet = 2,250 gpm = minimum of 2 hydrant(s) required with not more than 450 feet spacing between them and not more than 225 feet to a hydrant from any point on the street.
- **Fire Flow Reductions – 2025 OFC B105.3** The total required fire flow may be reduced by the following section, but in no case shall the resulting fire flow be less than 1500 gallons per minute at 20 psi residual.
 - **Sprinkler System – 2025 OFC B Table 105.2** A reduction in required fire flow of up to 75 %, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 (NFPA 13 2019) or 903.3.1.2 (NFPA 13R) of the OFC.
- **Fire Hydrant – 2025 OFC 507.5.1**
 - Where a portion of the building is more than 400 ft from a hydrant on a fire apparatus access road as measured by an approved route around the exterior of the building, on-site hydrants and mains shall be provided where required.
 - Exception: For buildings equipped throughout with an approved automatic sprinkler system, the distance requirement shall be 600 ft.

- **Area Separation – 2025 OFC B104.2**
 - Portions of buildings which are separated by fire walls without openings constructed in accordance with the International Building Code are allowed to be considered as separate fire flow calculation areas.
- **Obstruction & Protection of Fire Hydrants – 2025 OFC 507.5.4 – 507.5.6**
 - A 3 foot clear space shall be maintained around the circumference of fire hydrant. When exposed to vehicular damage, concrete curbing, sidewalks, or 4 inch concrete filled bollards placed 3 feet from hydrant shall suitably protect fire hydrants.
- **Fire Safety during Construction – 2025 OFC 501.4**
 - Approved fire department access roads, required water supply, fire hydrants, and safety precautions shall be installed and serviceable prior to and during the time of construction. The requirements of NFPA 241 (2022) shall be followed until project is complete.
- **Fire Sprinkler Systems** shall be installed per NFPA 13 (2022)
 - Separate permits will be required for the aboveground sprinkler system and the underground sprinkler supply line(s).
 - If there are greater than 20 sprinkler heads, the system is required to have a fire alarm monitoring system. All fire alarm systems require a FA permit.
 - 2025 OFC 912 Fire Department Connections: The location of fire department connections shall be approved by fire code official. The FDC/PIV shall not be under any combustible projections or overhangs.
 - NFPA 14 (2024)– 6.4.5.4 Fire department connections shall be located not more than 100 ft from the nearest fire hydrant connected to an approved water supply.
 - *Fire sprinkler vaults must contain a sump pump, be heated and the heat must be monitored by the alarm system. At the time of final, the alarm system must be out of test 24 hours prior to final.*
 - NOTE – If the building is sprinklered, the sprinkler system will need to be designed to the specific use that will be occurring in the building. If the sprinkler system is not designed appropriately it will limit the types of businesses that can occupy the space. This also includes the height of storage in the building. In order to have high piled storage (greater than 12 ft), the sprinkler system shall be designed accordingly.
- **Note: Before the application can be deemed complete a stamped engineered fire flow analysis will be required.**

ACCESS:

- **Premises Identification – 2025 OFC 505.1**
 - Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background and visible at night. Number/letter shall be a minimum of 4” high and a 0.5” stroke width.
- **Street or Road Signs- 2025 OFC 505.2**
 - Streets and roads shall be identified with *approved* signs. Temporary signs shall be installed at each street intersection when construction of new roadways allows passage by vehicles. Signs shall be of an *approved* size, weather resistant and be maintained until replaced by permanent signs.
- **Required Access – 2025 OFC 504.1**

- Exterior doors and openings shall be made readily accessible for emergency access by the fire department. An approved access walkway leading from fire apparatus access roads to exterior openings shall be provided.
- **Fire Apparatus Access Roads – 2025 OFC 503 & Appendix D**
 - Fire apparatus access roads shall extend to within 150 ft of all portions of the building as measured by an approved route around the exterior of the building.
 - Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.
 - Fire apparatus roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
 - The required turning radius of a fire apparatus access road shall be determined by the *fire code official*. The grade of the fire apparatus access roads shall be within the limits established by the fire code official.
 - The angles of approach and departure for fire apparatus access roads shall be within the limits established by the *fire code official* based on the fire department's apparatus.
 - Traffic calming devices shall be prohibited unless *approved by the fire code official*.
- **Authority – 2025 OFC 503.2.2**
 - The fire code official shall have the authority to modify the dimensions specified in 503.2.1.
- **Fire Apparatus Access Roads-2025 OFC 503.1**
 - Fire apparatus access roads shall be provided and maintained at all times during construction.
- **Fire Lanes – 2025 OFC 503.3 & D103.6**
 - Approved signs or other approved notices shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. Such signs or notices shall be kept in legible conditions at all times. The stroke shall be 1 inch with letters 6 inches high and read "No Parking Fire Lane". Spacing for signage shall be every 50 feet.
 - Recommended to also (in addition to Fire lane signs) paint fire lane curbs in bright red paint with white letters.
 - **D103.6.1 Roads 20-26 Ft. Wide: Shall have Fire Lane signs posted on both sides of a fire lane.**
 - **D103.6.2 Roads more than 26-32 Ft. Wide: Roads 26-32 ft wide shall have a Fire Lane signs posted on one side of the road as a fire lane.**
- **Aerial Access Roads – 2025 OFC D105**
 - Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet in height, for this section the highest roof surface shall be determined by measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of the parapet, whichever is greater. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadways. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, all access roads shall have an unobstructed width of not less than 26 feet and shall be positioned parallel to one entire side of the building and shall be approved by the fire code official.
- **Dead-Ends – 2025 OFC 503.2.5 and D103.4**
 - Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus.
- **Additional Access – 2025 OFC 503.1.2**

- The fire code official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, conditions or terrain, climatic conditions or other factors that could limit access.
- **Emergency Access Road Gates – 2025 OFC D103.5**
 - Minimum 20 feet wide.
 - Gates shall be swinging or sliding type.
 - Shall be able to be manually operated by one person.
 - Electric gates shall be equipped with a means of opening by emergency personnel & approved by fire official.
 - Locking devices **may** be padlock.
 - Section 503.3: Install a sign on the gate “No Parking-Fire Lane”
- **Key Boxes – 2025 OFC 506.1**
 - An approved key box **may** be installed on all structures equipped with a fire alarm system and /or sprinkler system.
- **Commercial & Industrial Development – 2025 OFC D104**
 - Buildings exceeding three stories or 30 feet in height shall have at least 2 means of fire apparatus access for each structure.
 - Where 2 access roads are required, they shall be placed not less than ½ the length of the overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.
- **Emergency Responder Radio Coverage- 2025 OFC 510 (all sections)**
 - OFC 510.1- All new buildings shall have approved radio coverage for emergency responders within the building based on existing coverage levels for public safety communication systems utilized by the jurisdiction, measured at the exterior of the building.
 - OFC 510.1.1- ERRC must be provided in the following buildings:
 - Any building that, through performance testing, does not meet the requirement of OFC 510.
- Other fire code requirements to consider when designing-
 - **2025 OFC 304.3.5 Capacity exceeding 1.5 cubic yards.** Dumpsters and containers with an individual capacity of 1.5 cubic yards [40.5 cubic feet (1.15 m3)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines.
 - Exceptions:**
 1. Dumpsters or containers that are placed inside buildings in areas protected by an *approved automatic sprinkler system* installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
 2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.
 3. Dumpsters or containers that are located adjacent to buildings where the exterior area is protected by an approved automatic sprinkler system.
- **2025 OFC 304.3.4 Capacity of 1 cubic yard or more.** Dumpsters with an individual capacity of 1.0 cubic yard [200 gallons (0.76 m3)] or more shall not be stored in buildings or placed within 5 feet (1524 mm) of combustible walls, openings or combustible roof eave lines unless the dumpsters are constructed of noncombustible materials or of combustible materials with a peak rate of heat release not exceeding 300 kW/m2 where tested in accordance with ASTM E1354 at an incident heat flux of 50 kW/m2 in the horizontal orientation.

Exceptions:

1. Dumpsters in areas protected by an *approved automatic sprinkler system* installed throughout in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
2. Storage in a structure shall not be prohibited where the structure is of Type I or IIA construction, located not less than 10 feet (3048 mm) from other buildings and used exclusively for dumpster or container storage.

If you have any questions or require clarification on any of these items please let me know.

FINDING: To ensure compliance with the fire marshal's comments, the following condition of approval has been added.

State Fire Marshall Comments: **Prior to occupancy**, the applicant shall confirm that all of the Deputy State Fire Marshalls requirements have been met.

The following agencies did not respond to the notice: List agencies if applicable.

PUBLIC COMMENTS: The La Pine Community Development Department mailed notice of the application to all property owners within 100 feet of the subject property on January 14, 2026. No public comments were received.

IV. FINDINGS OF FACT

PART III, CITY OF LA PINE DEVELOPMENT CODE

ARTICLE 3 - ZONING DISTRICTS

CHAPTER 15.24. - INDUSTRIAL AND PUBLIC FACILITY ZONES

Sec. 15.24.100. - Purpose.

Chapter 15.24 regulates allowed land uses ("uses") and sets forth lot and development standards, including without limitation minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development in the industrial and public facility zones. The regulations of this chapter are intended to implement the City of La Pine Comprehensive Plan.

Sec. 15.24.200. - Characteristics of the industrial and public facility zones.

Industrial and public facility zones accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities. Two industrial zoning districts, one for light industrial uses and one for general industrial uses, provide for the full range of planned industrial land uses within the city. Both districts are intended to provide for efficient use of land and public services, provide a high-quality environment for business, offer a range of parcel sizes and locations for industrial site selection, avoid encroachment by incompatible uses, provide transportation options for employees and customers, and facilitate compatibility between dissimilar uses.

- A. *Light Industrial Zone (LI). The LI zone is intended to allow for a mix of industrial and manufacturing businesses alongside industrial services, research and development, and small-scale retail and professional services.*

- B. *Industrial Zone (I).* The I zone allows for the same uses as the LI zone, but also provides suitable locations for more intensive industrial uses, such as those with processing, manufacturing, assembly, packaging, distribution, or other activities.
- C. *Public Facility Zone (PF).* The PF zone is intended to provide areas for large-scale public facility and utility uses that require separation from residential and commercial uses. Additionally, the PF zone accommodates industrial uses that are compatible with large-scale public facilities.

FINDING: The applicant is proposing a building in the Industrial zone, applicable criteria are discussed herein.

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.*

FINDING: The applicant is proposing an industrial spec building that could contain different uses allowed in the Industrial zone. When future uses are proposed within the structure, they will first be reviewed in accordance with the development code to ensure the proposed building can support the use. It is the applicant's responsibility to ensure that all development standards are accounted for so that any future proposed uses meet the criteria within the development code. The applicable development standards are addressed herein, and the proposed building shall be reviewed in accordance with the Industrial zone criteria as it applies.

Sec. 15.24.400. - Development standards.

- A. *Purpose. The development standards for industrial and public facility zones allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.*
- B. *Development standards. The development standards for industrial and public facility zones are presented in Table 15.24-2. Development standards may be modified as provided by chapter 15.320, variances. Additional standards may apply to specific zones or uses, see section 15.24.500.*

<i>Table 15.24-2. Development Standards in the Industrial and Public Facility Zones</i>			
<i>Standard</i>	<i>LI</i>	<i>I</i>	<i>PF</i>
Minimum setbacks	—	—	—
- Front or street-side yard	20 feet	None	None
- Side yard	10 feet	None	None
- Rear yard	10 feet	None	None
Maximum building height	45 feet	75 feet	75 feet
Maximum lot coverage	60%	80%	80%
Minimum landscaped area	See 15.24.500.A and chapter 15.82		

FINDING: Staff addresses each development standard below

Front or Street Side Yard Setback

The Industrial Zone has no setback requirements for front or street-side yard setbacks. This development standard is met.

Side Yard Setback

The Industrial Zone has no setback requirements for side yard setbacks. This development standard is met.

Rear Yard Setback

The Industrial Zone has no setback requirements for rear yard setbacks. This development standard is met.

Maximum Building Height

The Industrial zone has a maximum building height of 75 feet. The applicants proposed structure will be under the maximum height. This development standard is met.

Maximum Lot Coverage

The Industrial zone has a maximum coverage of 80%. The subject property is 18,769 square feet and the applicant proposes a 6,400 square foot building (34% proposed lot coverage). This development standard is met.

Minimum Landscaped Area

Compliance with the landscaping requirements of LPDC Chapter 15.82 are reviewed herein. This development standard will be met.

Based on staff review, the applicant’s proposal complies with the development standards of LPDC Table 15.22-2. This criterion is met.

Sec. 15.24.500. - Additional standards.

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

FINDING: The applicant submitted a landscaping plan in accordance with the standards of Article 5, where the use was found to comply. Criteria met.

- B. Screening requirements. All accessory storage of junk, waste, discarded or salvaged material, machinery, or equipment shall not be permitted except within a completely enclosed structure. Or if the lot area devoted to such use is over 200 square feet in area, the owner may have the alternative of enclosing it on all sides, except for an exit and entrance not over 25 feet in width, by a solid fence or wall at least six feet in height and maintained in good condition or by a cyclone or equal-wire fence at least six feet in height and surrounded, except for an exit and entrance not over 25 feet in width, by evergreens at least six feet in height and planted not further apart than six feet so as to form a solid screen. See also chapter 15.82 for additional screening requirements. See additional buffering and fence standards in article 5.*

FINDING: While no accessory storage is proposed at this time, as future uses are not known, the following condition of approval has been added to ensure future compliance:

Screening Requirement of Accessory Storage: **At all times**, all accessory storage of junk, waste, discarded or salvaged material, machinery, or equipment shall not be permitted except within a completely enclosed structure. Or, if the lot area devoted to such use is over 200 square feet in area, the owner may have the alternative of enclosing it on all sides in conformance with the requirements of Section 15.24.400.B.

- C. Vehicle access. Access driveways and entrances shall be permitted in a number and locations in which sight distance is adequate to allow safe movement of traffic in or out of the driveway or entrance, the free movement of normal highway traffic is not impaired, and the driveway or entrance will not create a hazard or an area of undue traffic congestion on highways to which it has access. The city may require the permit applicant to submit engineering data and/or traffic analyses to support its proposed plan of access driveways and entrances. See additional access and circulation standards in article 5.*

FINDING: The applicant proposes an approach to the property from Box Way which is under the jurisdiction of the Deschutes County. In comments received from the road authority, the county requested improvement plans, a driveway access permit, and a right of way permit. Conditions of approval have been included addressing these concerns. With those conditions, criteria met.

- D. Emissions. Industrial uses shall comply with all applicable pollution control regulations enacted by the federal and state government and other governmental authorities.*

FINDING: To ensure compliance for future uses, the following condition of approval has been added:

Emission Control: **At all times**, industrial uses shall comply with all applicable pollution control regulations enacted by the federal and state government and other governmental authorities.

- E. Noise. Industrial uses shall provide necessary shielding or other protective measures against interference caused by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.*

FINDING: To ensure compliance for future uses, the following condition of approval has been added:

Noise Shielding: **At all times**, industrial uses shall provide necessary shielding or other protective measures against interference caused by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.

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

FINDING: To ensure compliance for future uses, the following condition of approval has been added:

Lighting: **At all times**, all exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.

ARTICLE 5 - DEVELOPMENT STANDARDS

(*)**

CHAPTER 15.82. - LANDSCAPING, BUFFERING AND FENCES

Sec. 15.82.010. - Landscaping and buffering requirements.

The following minimum landscape requirements are established for all developments subject to site plan approval, unless approved otherwise by the reviewing authority:

- A. Exemption. The provisions of this section may be exempted for uses existing on or before the effective date of this Development Code that are a permitted use in a specific zone in an existing building or buildings on a lot or parcel of land of the scale that there is no remaining room for landscaping; this exemption shall also apply to the exterior remodeling and/or expansion of not more than 25 percent of the total square footage of all enclosed structures on a lot or parcel existing under a unit ownership on or before the effective date of this Development Code.*
- B. Area required. Except as approved otherwise by the city, the following minimum percent of a parcel area shall be landscaped for the following uses:*
 - 1. Duplexes and triplexes: 25 percent.*
 - 2. Multi-family developments containing four or more units and commercial residential mixed uses (CRMX): 20 percent.*
 - 3. Commercial uses including mixed use commercial (CMX): 15 percent.*
 - 4. Industrial uses. A minimum five-foot landscaped buffer along any adjoining public right-of-way of a collector or arterial street or highway, which may be computed toward an overall requirement of ten percent.*
 - 5. Minimum area requirements may include landscaping around buildings, in parking and loading areas, outdoor recreational use areas, screening and buffering areas, and surface water drainage areas.*

FINDING: The following use is categorized as an Industrial use within Table 15.24-1; therefore, 10% of the parcel

must be landscaped, with a minimum five foot landscaped buffer along any adjoining public right-of-way of a collector or arterial street or highway, which may be computed toward an overall requirement of ten percent. The subject property is 18,769 square feet. Based on the applicant's submitted site plan, 3,307 square feet of the site will be landscaped (17% landscaped). This criterion is met.

- C. *Landscaping defined. Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials. The total amount of nonliving materials (including bark dust, chips, aggregate, or other non-plant ground covers) shall not exceed more than 50 percent of the required landscape area.*
- D. *Existing vegetation. Existing site vegetation shall be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.*

FINDING: As proposed, and evidenced by the landscape plan submitted for review, less than 50% of the landscaped area will consist of aggregate or other non-plant ground covers, and over 50% will be trees, grass, shrubs, and existing vegetation. Criteria met.

- E. *Parking lots. Parking lots with space for ten or more vehicles must be landscaped in accordance with the following minimum requirements:*
 - 1. *In commercial and residential developments, parking areas shall be divided into bays, and between or at the end of each parking bay a curbed planter containing at least 16 square feet may be required.*
 - 2. *If required, each planter shall contain at least one tree or shrub and ground cover.*
 - 3. *The areas shall be designed to be protected from being damaged by vehicles using the parking area.*
 - 4. *Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum five-foot strip of landscaping.*
 - 5. *Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.*

FINDING: The proposal includes provisions for 9 parking spaces. The subject property is not within a commercial or residential zone, therefore subsections 1-3 do not apply. No parking is proposed adjacent to the structure as evidenced by the submitted site plan. Criteria met.

- F. *Buffering and screening.*
 - 1. *Purpose. The purpose of buffering and screening requirements are to reduce the impacts of a proposed use on adjacent uses and zones which provide for different types of uses. The city may waive or reduce the requirements where existing topography or vegetation is*

appropriate or otherwise negates the effectiveness or intended purpose or benefits of the buffering and screening.

2. *Where any permitted principal and/or accessory use in a commercial or industrial zone abuts any land zoned RSF, RMF, RMP or TA the following buffer and screening shall be required. These requirements shall apply in instances where such use is being newly developed on vacant land, expanded in floor area by 50 percent or greater, or removed and a new use developed.*
3. *Within commercial zones. A buffer strip at least ten feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts an RSF, RMF, RMP, or TA zone. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer strip shall contain suitable screening, defined as either of the following:*
 - a. *A solid fence or wall, architecturally compatible with existing structures in the area, no less than five feet nor more than eight feet in height; or*
 - b. *A sight-obscuring planting of evergreens, not less than four feet in height at the time of planting and of a variety that will maintain full, dense growth from the ground up to a height of not less than six feet upon maturity, planted at a spacing of the lesser of eight feet or the diameter of a mature specimen of the species being planted.*
 - c. *Areas of the buffer strip not covered with a fence, wall, or screening plantings, shall be planted with appropriate ground cover vegetation, including native species. Xeriscape methods are highly encouraged.*
 - d. *Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the "C" type zone permitted use is located. Installation must be completed prior to issuance of a certificate of use and occupancy by the city. Fences or walls must be maintained in safe and structurally sound condition. Dead or diseased plants shall be removed and replaced in a timely manner. Grass shall be kept neatly mowed.*
4. *Within industrial zones. A buffer strip at least 30 feet wide shall be provided and maintained along the entire length of a side or rear yard where it abuts any RSF, RMF, RMP, or TA zoned land. Buffer strips shall not be used for parking, storage of vehicles, equipment, or materials, nor for any other use incompatible with their purpose as a visual, noise, dust, and pollution barrier. The buffer shall meet the following standards:*
 - a. *The buffer shall be planted with evergreens capable of obtaining and maintaining a dense growth to a full height and a full canopy diameter of no less than 12 feet. The minimum height at the time of planting shall be six feet. Plants shall be situated in two rows within the buffer strip, each row being located at least ten feet from the edge of the buffer strip. Plants in each row shall be spaced no more than 20 feet center-to-center and the two rows shall be situated in an alternating pattern so that the trees in one row are located centrally between the trees in the other row. Plants shall be allowed to obtain a minimum height of 12 feet and shall not be trimmed below that height thereafter.*

- b. *Installation and maintenance of the buffer and screening shall be the responsibility of the owner of the property on which the industrial use is located. Installation must be completed prior to issuance of a certificate of use and occupancy by the city. Dead or diseased plants shall be removed and replaced in a timely manner. Xeriscape methods and use of native species is highly encouraged.*
 - c. *A property owner may not sell, lease, or otherwise transfer property if such action results in a reduction of a separation distance for a commercial or light manufacturing use below the minimum required in this section. Likewise, a property owner may not remove or alter natural vegetation or landforms serving upon a waiver from the city as buffer and screening for a commercial or light manufacturing use if such action results in the natural buffer and screening being less effective than as required in this and other sections of this Development Code.*
5. *A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.*
 6. *In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the review authority.*

FINDING: The subject property does not abut and land zoned RSF, RMF, RMP, or TA. Therefore, these criteria are not applicable.

- G. *Plant material installation standards. Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section:*
 1. *Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.*
 2. *Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.*
 3. *Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.*
 4. *Rows of plants should be staggered to provide for more effective coverage.*

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

Plant Installation Standards: *Prior to occupancy* the applicant shall confirm that the following plant installation standards are met for all landscaping:

- Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
- Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
- Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12

inches.

- Rows of plants should be staggered to provide for more effective coverage.

H. Maintenance and plant survival. All landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.

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

Maintenance and Plant Survival: **At all times** all landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.

I. Retention of trees. As part of a landscaping plan, the developer shall also provide a tree plan identifying the location and diameter breast height (DBH) of all trees on the property. Existing mature trees with at least a 10-inch DBH shall be retained to the furthest extent possible. Development shall conform to the natural environment to incorporate existing mature trees. Where trees must be removed for proposed development, they shall be replaced at a 1:1 ratio on the subject lot or parcel with trees of similar species that are native to the region, and with a DBH of at least 5-inches or larger. Replacement trees shall meet the maintenance and plant survival criteria of this code section. Any trees planted must maintain a 20-foot radius for spacing. The 20-foot radius spacing shall be the determining factor in how many trees are replaced on the subject property. If more trees must be planted than what the 20-foot radius spacing would allow, then the number of trees replaced shall be reduced to meet the spacing standard.

FINDING: As part of the landscaping plan submitted for review, replacement trees were included to replace the 16 trees being removed. In accordance with the above criteria, 13 trees are being planted on the south, east, and north boundaries of the property. Criteria met.

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

FINDING: The applicant's proposal does not include a fence or wall, therefore LPDC Section 15.82.020 is not applicable.

CHAPTER 15.86. - PARKING AND LOADING

Sec. 15.86.010. - Applicability.

Off-street loading and vehicle and bicycle parking spaces shall be provided in accordance with the specifications of this chapter in all zones whenever any new use is established, an existing use is enlarged, or an existing use of land or structure is changed to a new use. Such new, enlarged, or changed use shall fully comply with the specifications of this chapter prior to being given a certificate of use and occupancy.

Sec. 15.86.020. - Off-street loading.

- A. *Every commercial and industrial use which requires the receipt or distribution of material or merchandise by trucks with a 40-foot or longer wheelbase at a frequency of one or more vehicles per week shall provide off-street loading spaces in sufficient number to adequately serve the number and frequency of vehicle shipping and receiving projected for the use. The applicant shall provide supporting evidence of the projected shipping and receiving and how the number of spaces to be provided will be adequate.*
- B. *Where an off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. Each off-street loading space shall not be less than 12 feet wide by 55 feet long unless otherwise approved by the city through site design review.*
- C. *Off-street loading space(s) shall also have adequate adjacent area for vehicle maneuvering so that vehicles using the space(s) are not required to back-up onto or back-up from a public street or alley to use the space. Where parking areas are prohibited between a building and the street, loading areas are also prohibited.*
- D. *Exceptions and adjustments. The city, through site design review, may approve a loading area adjacent to or within a street right-of-way where it finds that loading and unloading operations are short in duration (i.e., less than one hour), infrequent, do not obstruct traffic during peak traffic hours, do not interfere with emergency response services, and are acceptable to the applicable roadway authority.*

FINDING: The applicant stated in their burden of proof that, “users that will need receive or distribute material or merchandise by trucks with a 40-foot or longer base are not anticipated.” As no formal uses are being proposed at this time, the applicant is not required to provide off-street loading. However, as no definitive uses are known, if at any time a future use needs off-street loading, it must be provided. To ensure compliance, the following condition of approval has been added:

Future Off-Street Loading: **At all times**, if any future use requires the receipt or distribution of materials or merchandise by trucks with a 40-foot or longer wheelbase at a frequency of one or more vehicles per week, the property owner shall submit a Modification application to the Planning Department demonstrating compliance with Section 15.86.020 prior to the occupancy of such use.

Sec. 15.86.030. - Off-street parking - required.

- A. *Location of off-street loading and parking spaces. Except as otherwise permitted by this Development Code, required off-street loading and parking spaces shall be located on the same lot with the principal use they are intended to serve. In no case shall a required loading space be part of the area used to satisfy the parking requirements and vice versa. Also, in no case shall the required loading or parking space(s) of one use be used to satisfy the loading or parking space requirements of another use.*
- B. *Encroachment or reduction. A required loading or parking space shall not be encroached upon by a structure, storage, or other use, nor shall the number of spaces be reduced without replacement of a commensurate number of spaces in accordance with this section unless a special exception or variance has been approved.*

FINDING: The proposed site plan submitted for review identifies all parking on the subject property with the principal use. No encroachment or reduction is identified with the proposal. Criteria met.

C. Calculations of amounts of required and allowed parking.

- 1. When computing parking spaces based on floor area, parking structures and non-leasable floor spaces, such as storage closets, mechanical equipment rooms, and similar spaces, are not counted.*
- 2. The number of parking spaces is computed based on the primary uses on the site except as stated in subsection 3, below. When there are two or more separate primary uses on a site, the minimum and maximum parking for the site is the sum of the required or allowed parking for the individual primary uses. For shared parking, see subsection I below.*
- 3. When more than 20 percent of the floor area on a site is in an accessory use, the required or allowed parking is calculated separately for the accessory use. An example would be a 10,000 square foot building with a 7,000 square foot warehouse and a 3,000 square foot accessory retail area. The minimum and maximum parking would be computed separately for the retail and warehouse uses.*

FINDING: The proposed parking was calculated in accordance with the above criteria. No uses are proposed at this time, however the applicants calculations took into account any potential uses with the highest parking requirement. Shared parking standards are addressed below. No accessory uses are proposed. Criteria met.

D. Use of required parking spaces. Except as otherwise provided by this section, required parking spaces must be available for residents, customers, or employees of the use. Fees may be charged for the use of required parking spaces. Required parking spaces may not be assigned in any way to a use on another site, except for shared parking pursuant to subsection I.

E. Improvement of parking areas. Motorized vehicle parking is allowed only on streets with an improved shoulder of sufficient width; within garages, carports, and other approved structures; and on driveways or parking lots that have been developed in conformance with this Development Code.

FINDING: Based on the applicant's burden of proof, the required parking spaces will be made available for the customers and employees of any proposed uses. This criterion is met.

F. Minimum number of off-street automobile parking spaces. Except as required for Americans with Disabilities Act compliance under subsection L, off-street parking shall be provided pursuant to one of the following three standards:

- 1. The standards in Table 15.86-1;*
- 2. A standard from Table 15.86-1 for a use that the planning official determines is similar to the proposed use. For uses not specified in the table, the city shall determine parking based on submission of technical data from applicant or city sources; or*
- 3. Subsection (H), parking exceptions, which includes a parking demand analysis option.*

- G. *Maximum number of off-street automobile parking spaces. The following standards for maximum number of automobile parking spaces promote efficient use of land and compact development patterns.*
1. *Applicability. Developments subject to site plan review must conform to the maximum parking standards.*
 2. *Standards. Unless otherwise approved by the city through site plan review, the maximum number of off-street automobile parking spaces allowed for a commercial development equals the minimum number of required spaces, pursuant to Table 15.86-1 times a factor of 2.0. Parking spaces that are located in snow storage areas do not count toward the maximum parking space requirements.*

FINDING: The applicant's proposed building is 6,400 square feet. As no uses are proposed at this time, the applicant has identified the most likely industrial uses with the highest parking requirement (industrial service, manufacturing and production), aiming to ensure that any future proposed uses will meet the parking standards. Those uses require one space per 1,000 square feet of building area, which would require 6.4 spaces. The maximum allowed would be 12 spaces. 9 spaces are being provided, meeting the minimum and maximum standards. The parking standards will be reviewed at the time of zoning permit review when a new use is proposed within the structure, ensuring compliance. Criteria met.

- H. *Exceptions and reductions to off-street parking. An applicant may propose a parking standard that is different than the standards under subsections F or G, for review and action by the planning official through a Type II procedure. The applicant's proposal shall consist of a written request and a parking analysis prepared by a qualified professional. The parking analysis, at a minimum, shall assess the average parking demand and available supply for existing and proposed uses on the subject site; opportunities for shared parking with other uses in the vicinity; existing public parking in the vicinity; transportation options existing or planned near the site, such as frequent bus service, carpools, or private shuttles; and other relevant factors. The number of required off-street parking spaces may also be reduced through the provision of shared parking, pursuant to subsection I.*

FINDING: The applicant's proposal did not include a request for an exception or reduction to the off-street parking requirements of LPDC Chapter 15.86, therefore this criterion is not applicable.

- I. *Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and, provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through site plan review.*

FINDING: The applicant's proposal does not include provisions for shared parking, criteria does not apply.

- J. *Parking stall design and minimum dimensions. Where a new off-street parking area is proposed, or an existing off-street parking area is proposed for expansion, the entire parking area shall be improved in conformance with this Development Code. At a minimum the parking spaces and drive aisles shall be paved with asphalt, concrete, or other city-approved materials, provided the Americans with Disabilities Act requirements are met, and shall conform to the minimum*

dimensions in Table 15-86-2 and the figures below. All off-street parking areas shall contain wheel stops, perimeter curbing, bollards, or other edging as required to prevent vehicles from damaging buildings or encroaching into walkways, landscapes, or the public right-of-way. Parking areas shall also provide for surface water management.

Table 15.86-2. Parking Stall Dimensions

Parking Angle	Stall Width	20' Stall	Aisle Width (*one way)	Curb Length	Bay Width
0°	9'-0"	9.0	12.0	22.0	30.0
	9'-6"	9.5	12.0	22.0	31.0
	10'-0"	10.0	12.0	22.0	31.0
45°	9'-0"	19.8	13.0	12.7	52.5
	9'-6"	20.1	13.0	13.4	53.3
	10'-0"	20.5	13.0	14.1	54.0
60°	9'-0"	21.0	18.0	10.4	60.0
	9'-6"	21.2	18.0	11.0	60.4
	10'-0"	21.5	18.0	11.9	61.0
70°	9'-0"	21.0	19.0	9.6	61.0
	9'-6"	21.2	18.5	10.1	60.9
	10'-0"	21.2	18.0	10.6	60.4
90°	9'-0"	20.0	24.0	9.0	64.0
	9'-6"	20.0	24.0	9.5	64.0
	10'-0"	20.0	24.0	10.0	64.0

*24' minimum for two-way traffic

FINDING: The applicant proposes parking stalls that are at 90-degree angles, with a 26 foot wide access aisle. Each parking stall will be 9 feet wide and 20 feet long. This criterion is met.

- K. *Adjustments to parking area dimensions. The dimensions in subsection (J) are minimum standards. The city planning official, through a Type II procedure, may adjust the dimensions based on evidence that a particular use will require more or less maneuvering area.*
- L. *Americans with Disabilities Act (ADA). Parking shall be provided consistent with ADA requirements, including, but not limited to, the minimum number of spaces for automobiles, van-accessible spaces, location of spaces relative to building entrances, accessible routes between parking areas and building entrances, identification signs, lighting, and other design and construction requirements.*

FINDING: The applicant’s proposal does not include a request to adjust the parking area dimensions of LPDC Table 15.86-2. The applicant’s proposal includes one ADA parking spot. Compliance with ADA requirements will be reviewed during building permit review by a Plans Examiner. Criteria met.

Sec. 15.86.040. - Drive-up and drive-through uses and facilities.

- A. *Purpose. Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.*

- B. *Standards. Drive-up and drive-through facilities (i.e., driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) shall meet all of the following standards:*
1. *The drive-up or drive-through facility shall orient to and receive access from a driveway that is internal to the development and not a street, as generally illustrated.*
 2. *The drive-up or drive-through facility shall not be oriented to street corner.*
 3. *The drive-up or drive-through facility shall not be located within 20 feet of a street right-of-way.*
 4. *Drive-up and drive-through queuing areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.*
 5. *All drive up and drive thru facilities must be permanently affixed to the ground and be connected to the City Water and Sewer in accordance with the standards of chapter 15.90.*

FINDING: No drive-up or drive-through uses are proposed through the request. Criterion does not apply.

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.*

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

- C. *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.*
- D. *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](#).*

FINDING: The applicant's proposal does not include an exception to the bicycle parking requirements of LPDC Section 15.86.050. The applicant's proposal is for three primary uses which requires 6 bicycle parking spaces. The applicant proposed a bicycle rack to the west of the proposed driveway, which has space for 2 bicycles. As depicted on the applicant's submitted site plan, the proposed bicycle parking will be within 100 feet of entrance, which will be well lit, and will be easy to find. Each space is proposed to be two feet by six feet with a vertical clearance of six feet. The proposed bike racks will be designed to allow for cable and U-shaped locks, allowing both wheels to be secured. The bicycle parking will be located on the subject property, and will not impede or create a hazard to pedestrians or vehicles, and will not conflict with the standards of LPDC Sec. 15.88.040. To ensure the number of bicycle parking spaces provided meets the minimum requirements, the following condition of approval is included.

Bicycle Parking: ***Prior to the preconstruction meeting***, the site plan shall be amended to depict 6 bicycle parking spaces.

Sec. 15.86.060. - Snow storage areas.

- A. *Purpose. The purpose of these standards is to ensure that adequate space is be provided within a development for storage of snow in winter months in order to accommodate space needed for access, circulation, and off-street parking.*
- B. *Applicability. Snow storage standards apply to all subdivisions and to developments subject to site plan review.*
- C. *Standards.*

1. *Minimum area. Snow storage areas must be designated on a site plan. The areas must total a minimum of 15 percent of the area to be cleared, including all access drives, parking areas, and walkways.*
2. *Location. Snow storage is not permitted on landscaped areas, except where these areas are limited to grass or rock cover. Snow storage may be permitted in parking areas, provided that the site can still accommodate enough parking spaces to meet minimum off-street parking requirements in winter months. Parking spaces that are located in snow storage areas do not count toward the maximum parking space requirements. It is encouraged that snow storage areas be located away from public view and that additional impervious surface areas are not created for the sole purpose of snow storage.*
3. *Exceptions and adjustments. The city may reduce or eliminate the required snow storage areas if a snow removal plan is presented which provides a continuous guarantee of removal.*

FINDING: Since the proposal is being reviewed through a site plan review, the above criteria apply to the request and requires on site snow storage to accommodate space needed for access, circulation, and off-street parking. As illustrated on the proposed site plan, snow storage will occur on the north and east side of the building, providing a total of 1,526 square feet of snow storage. The proposed asphalt areas and walkways total 8,980 square feet. The proposed snow areas total just over the 15% requirement. The applicant's proposal does not include a request for an exception or adjustment to the snow storage requirements of LPDC Section 15.86.060. Criteria met.

CHAPTER 15.88. - ACCESS AND CIRCULATION

Sec. 15.88.030. - Vehicular access and circulation.

- A. *Purpose and intent. [Section 15.88.030](#) implements the street access guidelines of the City of La Pine Transportation System Plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.*
- B. *Permit required. Vehicular access to a public street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.*
- C. *Traffic study requirements. The city, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to [section 15.90.080](#), to determine compliance with this Development Code.*

FINDING: As discussed herein, the applicant is proposing vehicular access in one location. The applicant's burden of proof included a traffic impact analysis, findings from that analysis are incorporated herein. To ensure compliance with the above criterion, the following condition of approval has been included.

Approach Permit: ***Prior to occupancy***, the applicant must submit approved approach/driveway permits for the entrance to the site.

- D. *Approach and driveway development standards. Access management restrictions and limitations consist of provisions managing the number of access points and/or providing traffic and facility improvements that are designed to maximize the intended function of a particular*

street, road or highway. The intent is to achieve a balanced, comprehensive program which provides reasonable access as new development occurs while maintaining the safety and efficiency of traffic movement. Intersections, approaches and driveways shall conform to access spacing guidelines in the City of La Pine Transportation System Plan and the roadway authority's engineering standards. In the review of all new development, the reviewing authority shall consider the following techniques or considerations in providing for or restricting access to certain transportation facilities.

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

FINDING: The subject property is not proposing access onto an arterial or collector; therefore, these criteria are not applicable.

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

FINDING: In coordination with the Deschutes County Road Department, the road authority did not propose any of the above measures to address traffic concerns. These criteria are not applicable.

- E. *ODOT approval. Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The city may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the city will work cooperatively with the applicant and ODOT to avoid unnecessary delays.*
- F. *Other agency approval. Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is*

responsible for obtaining all required approvals and permits from that agency prior to commencing development.

FINDING: The subject property does not front on any ODOT right of way, and approach points do not cross a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency. Criterion does not apply.

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

FINDING: The applicant’s proposal does not include a request for an exception or adjustment to the spacing standards; therefore, this criterion is not applicable.

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

FINDING: The proposed access points will not be utilized by any neighboring developments, and no joint use access is proposed on neighboring properties. Criterion does not apply.

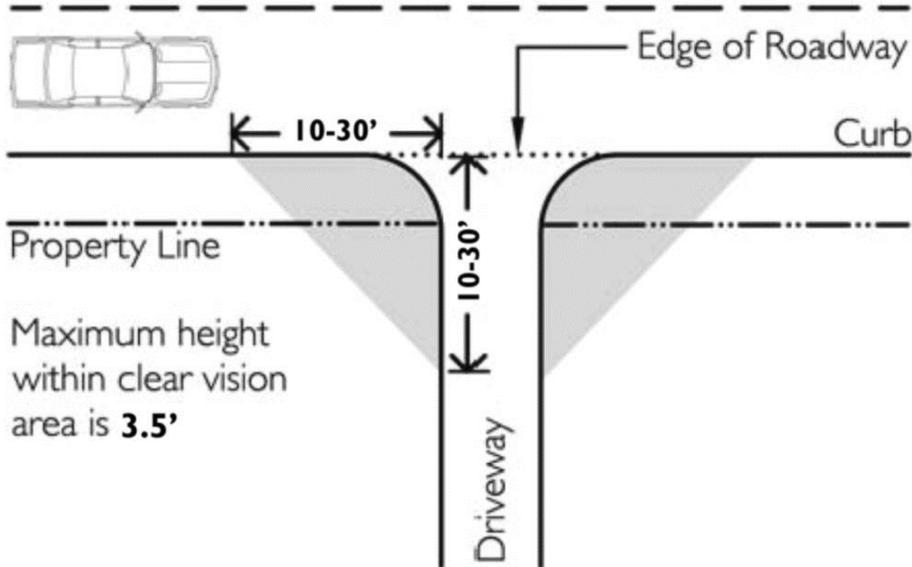
Sec. 15.88.040. - Clear vision areas (visibility at intersections).

- A. In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding 3½ feet in height, measured from the top of the curb or, where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight feet above the grade.*
- 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>
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80 feet or more	20 feet
Less than 80 feet	30 feet

Clear Vision Areas



FINDING: Based on the applicant’s submitted site plan, the site provides 30 foot clear vision areas on either side of the entrances onto Box Way. These criteria are met.

Sec. 15.88.050. - Pedestrian access and circulation.

- A. *Purpose and intent.* This section implements the pedestrian access and connectivity policies of City of La Pine Transportation System Plan and the requirements of the Transportation Planning Rule (OAR 660-012). It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
- B. *Standards.* New subdivisions, multi-family developments, planned developments, commercial developments and institutional developments shall conform to all of the following standards for pedestrian access and circulation:
 1. *Continuous walkway system.* A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.
 2. *Safe, direct, and convenient.* Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:

- a. *The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.*
- b. *The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The city may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.*
- c. *Vehicle/walkway separation. Except as required for crosswalks, per subsection d., below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the city may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.*
- d. *Crosswalks. Where a walkway crosses a parking area or driveway ("crosswalk"), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.*
- e. *Walkway construction. Walkway surfaces may be concrete, or other city-approved durable surface meeting ADA requirements. Walkways shall be not less than six feet in width, except that the city may require wider sidewalks in developments where pedestrian traffic warrants walkways wider than six feet.*
- f. *Multi-use pathways. Multi-use pathways, where approved, shall be ten feet wide and constructed of asphalt, concrete or other city-approved durable surface meeting ADA requirements consistent with the applicable city engineering standards.*

FINDING: The proposal is not for a subdivision, multi-family development, planned development, commercial development, or institutional developments. Criteria does not apply.

CHAPTER 15.90. - PUBLIC FACILITIES

Sec. 15.90.010. - Public facilities improvement.

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

Sec. 15.90.020. - Developer responsibility for streets and other public facilities.

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

FINDING: The above criterion requires the developer to construct the above-listed developments in accordance with City specifications. Development requirements related to these specifications are addressed within this staff report. To ensure compliance, the following condition of approval has been added:

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

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

FINDING: Comments from the City's Public Works Director did not indicate the need for any over-sizing to accommodate future development within the area as projected by the applicable facilities master plan. Therefore, this criterion is not applicable.

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

FINDING: The subject property has frontage along Box Way, a local street as classified in the La Pine Transportation System Plan (TSP). The required width is 64 feet for Local Streets as dictated in La Pine Transportation System Plan (TSP). Box Way, as currently developed, also lacks street trees and sidewalks, as required in the TSP. Swales have been updated by the County in the Industrial Park following the completion of this phase of the County project. The October memo and subsequent comments provided by City Staff indicated the need to ensure that the Box Way frontage was in compliance with the TSP design standards for local streets.

As proposed, the frontage is not in compliance with TSP design standards as the required right of way dedication is not identified in the site plan. As proposed, sidewalks on neighboring properties that are not yet developed would be required to adjust their design to connect with the proposed sidewalk design on the subject property, requiring access easements on those properties as well. Staff have also conditioned above, following Deschutes County Road Department Agency comments, a formal County Engineering review of the proposed improvements.

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

Box Way Street Improvements: **Prior to the preconstruction meeting**, the applicant shall submit revised public improvement plans showing the correct dedication of ROW so that Box Way conforms to the required local street width as required in the La Pine TSP. The sidewalks must be within the ROW – an easement for sidewalk access will not be granted on the subject property – and the existing power vault on the subject property shall be moved to accommodate the location of the sidewalk as required in the TSP. The sidewalk must be designed in accordance

with all applicable City design standards. The installation of street trees must occur at an average 35-foot spacing except when within clear vision triangles on the subject property side of the street. All revised improvements must go through a formal County Engineering review and the results of this review shall be sent to the City prior to the preconstruction meeting.

- D. Half streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of a proposed land development, and when the city finds it will be practical to require dedication and improvement of the other half of the street when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved.*

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

Sec. 15.90.030. - Sewer and water.

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

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

Sewer and Water Plan Approval: **Prior to the preconstruction meeting**, sanitary sewer and water plans in conformance with City standards shall be provided to the Public Works Director. Modifications to public sewer or water lines may need to be reviewed by DEQ. Development permits for sewer and water improvements will not be issued until the preconstruction meeting is held and all plans are approved and signed by the Public Works Director.

Sec. 15.90.040. - Stormwater.

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

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

Stormwater: **Prior to the preconstruction meeting**, the City must review and approve the drainage facilities on

site for compliance with LPDC Section 15.90.040

Sec. 15.90.050. - Utilities.

- A. *General provision. The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.*
- B. *Underground utilities. All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.*
- C. *Subdivisions. In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:*
 - 1. *The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that no above ground equipment obstructs vision clearance areas for vehicular traffic.*
 - 2. *The city reserves the right to approve the location of all surface-mounted facilities.*
 - 3. *All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.*
 - 4. *Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.*
- D. *Exception to undergrounding requirement. The city may grant exceptions to the undergrounding standard where existing physical constraints, such as geologic conditions, streams, or existing development conditions make underground placement impractical.*

FINDING: The applicant is not proposing a new subdivision, and the applicant's proposal does not include a request for an exception to the undergrounding requirements of LPDC Section 15.90.050. To ensure compliance, the following condition of approval has been added.

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

Sec. 15.90.060. - Public street/highway improvement.

The following public streets and highway improvement activities are permitted outright in all zones and are exempt from the permit requirements of this Development Code.

- A. *Installation of additional and/or passing lanes, including pedestrian ways and/or bikeways, within a public street or highway right-of-way existing as of the effective date of this chapter, unless such adversely impacts on-street parking capacities and patterns.*
- B. *Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, and/or no new land parcels result.*

FINDING: As part of the applicant's proposal, improvements relating to right-of-way facilities will be required. While no additional permits are required by the Development Code for that work, staff notes that the applicant should coordinate with the Public Works Department prior to construction to ensure their standards are met.

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

FINDING: The applicant's proposal does not include any temporary public road nor highway detours; therefore, this criterion is not applicable.

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

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

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

FINDING: Table 2-1 lists projects that are identified as a priority project in the City's TSP. The applicant's proposal does not include any of those projects listed as a priority project, therefore this criterion is not applicable.

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

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

Sec. 15.90.070. - Design of streets and other public facilities.

- A. *Traffic circulation system. The overall street system shall ensure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area. An analysis of the proposed traffic circulation system within the land division, and as such system and traffic generated therefrom affects the overall City of La Pine transportation, will be required to be submitted with the initial land division review application. The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby.*

FINDING: The applicant's proposal does not include a land division; therefore, this criterion is not applicable.

- B. *Street location and pattern. The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:*
 - 1. *Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or*

2. *Conform to a plan for the general area of the development approved by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and*
3. *Conform to the adopted La Pine Transportation System Plan as may be amended.*

FINDING: The applicant's proposal does not include the addition of any new streets; therefore, these criteria are not applicable.

- C. *Access ways. The city, in approving a land use application with conditions, may require a developer to provide an access way where the creation of a cul-de-sac or dead-end street is unavoidable and the access way connects the end of the street to another street, a park, or a public access way. Where an access way is required, it shall be not less than ten feet wide and shall contain a minimum six-foot-wide paved surface or other all-weather surface approved by the city. Access ways shall be contained within a public right-of-way or public access easement, as required by the city.*

FINDING: The applicant's proposal does not include any new streets, cul-de-sacs, nor dead end streets; therefore, this criterion is not applicable.

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

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

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

FINDING: As discussed herein, right of way dedication may be required per the La Pine TSP. This condition has previously been included. As conditioned, the criterion is met.

- F. *Sidewalks. Unless otherwise required in this chapter or other city ordinances or other regulations, or as otherwise approved by the commission, sidewalks shall be required as specified in the La Pine Transportation System Plan. In lieu of these requirements, however, the*

city may approve a development without sidewalks if alternative pedestrian routes and facilities are provided.

FINDING: As discussed herein, sidewalks will be required per the La Pine TSP. This condition has previously been included. As conditioned, the criterion is met.

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

FINDING: As discussed herein, bicycle lanes will be required per the La Pine TSP. This condition has previously been included. As conditioned, the criterion is met.

H. Cul-de-sac. A cul-de-sac street shall only be used where the city determines that environmental or topographical constraints, existing development patterns, or compliance with other applicable city requirements preclude a street extension. Where the city determines that a cul-de-sac is allowed, all of the following standards shall be met:

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

FINDING: The applicant's proposal does not include a cul-de-sac; therefore, these criteria are not applicable.

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

FINDING: The subject property does not abut an existing or proposed arterial street; therefore, this criterion is not applicable.

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

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

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

FINDING: The applicant's proposal does not include a request for reserve strips; therefore, this criterion is not applicable.

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

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

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

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

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

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

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

Q. Street name signs. Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall

be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.

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

R. Traffic control signs. Traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.

FINDING: The applicant's proposal does not include any new traffic control signs; therefore this criterion is not applicable.

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

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

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

FINDING: As addressed herein, curbs are required as part of the public improvements to adhere to the TSP. These requirements have previously been conditioned, and therefore this criterion is met.

U. Street lights. Street lights may be required and, if so required, shall be installed by the developer in accordance with standards set forth by the city and the serving utility company. Streets lights, if required, shall include one fixture and be located at the intersection of streets.

FINDING: Comments from the City Engineer did not indicate the need for streetlights, therefore this criterion is not applicable.

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

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

Utility Installation: **Prior to the preconstruction meeting**, the developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.

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

FINDING: As previously conditioned, drainage facilities on the subject property will be in accordance with the Central Oregon Stormwater Manual. As conditioned, this criterion is met.

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

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

Sec. 15.90.080. - Traffic impact analysis.

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

applicable, where one or more of the following conditions in [subsections] 1 through 4 is met. Where the city agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future:

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

FINDING: The applicant submitted a traffic generation letter addressing the above criteria. The letter addressed the criteria within subsection B above. Through the review of staff, and the City Engineer, it was confirmed that the proposal does not involve any of the listed criteria in subsection B, and it is therefore not subject to a traffic impact analysis. A waiver or deferral is not being requested by the applicant. Criteria met.

CHAPTER 15.94. - IMPROVEMENT PROCEDURES AND GUARANTEES

Sec. 15.94.010. - Improvement procedures.

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

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

FINDING: As new connections to the City's water and sewer network and sidewalk improvements are proposed, the following condition of approval has been added:

Plan Review and Approval: ***Prior to the preconstruction meeting***, improvement work being installed by the developer shall not be commenced until development plans have been reviewed and approved by the City or a designated representative thereof. The review and approval shall be at the expense of the developer.

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

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

Modification: ***Prior to the construction of public improvements***, improvement work shall not commence until after the city has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.

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

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

Improvements as Platted: **Prior to occupancy**, improvements shall be designed, installed, and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the City.

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

FINDING: To ensure compliance, the following condition has been added:

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

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

FINDING: To ensure compliance, the following condition has been added:

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

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

FINDING: To ensure compliance, the following condition has been added:

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

Sec. 15.94.020. - Completion or assurance of improvements.

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

FINDING: To ensure compliance, the following condition has been added:

Agreement for Improvements: **Prior to the construction of public improvements**, since the applicant has proposed to connect to City water and sewer and install sidewalks, and is being conditioned to provide street trees, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the city an agreement between him/herself and the city specifying the period in which improvements and repairs shall be completed and, providing that if the work is not completed within the period specified, that the city may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. Per LPDC 15.94.020.B, such an agreement must be secured by a bond or other performance assurance of 120% of the cost of public improvements and shall also provide for payment to the city for the cost of inspection and other engineer services directly attributed to the project.

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

FINDING: In accordance with this section and the City Engineer’s agency comments above, the following condition of approval has been added:

Performance Bond for Constructed Public Improvements: **Prior to the construction of public improvements**, and only if the applicant is electing to file an Agreement for Improvements set forth in LPDC 15.94.020.B and for those improvements that are to be constructed and not otherwise paid for separately by fee in lieu, the applicant shall provide the City with a performance bond of 120 percent of the cost of improvements prior to beginning construction that meets and shall be administered according to the requirements of LPDC 15.94.020.

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

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

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

Sec. 15.94.030. - Building and occupancy permits.

A. Building permits. No building permits shall be issued upon lots to receive and be served by sanitary, sewer and water service and streets as improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the city, with the service connections fees paid, and accepted by the city.

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

Building Permits: **Prior to Construction**, no building permits shall be issued upon lots to receive and be served by sanitary, sewer and water service and streets as improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the city, with the service connections fees paid, and accepted by the city.

B. Sale or occupancy. All improvements required pursuant to this chapter and other applicable regulations or approval conditions shall be completed, in service and approved by the city, and accepted by the city council, prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the subdivision, partitioning, PUD or other development.

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

Sale or Occupancy: **Prior to occupancy or sale**, the public improvements proposed by the applicant to connect to water and sewer, construct the new sidewalks, and install street trees shall be completed, in service and approved by the city, and accepted by the city council, prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the development.

Sec. 15.94.040. - Maintenance surety bond.

Prior to sale and occupancy of any lot, parcel or building unit erected upon a lot within a subdivision, partitioning, PUD or other development, and as a condition of acceptance of improvements, the city will require a one-year maintenance surety bond in an amount not to exceed 20 percent of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

FINDING: In accordance with both this section and the City Engineer's comments above, the following condition of approval has been added:

Maintenance Surety Bond: **Prior to occupancy**, at the completion of construction of the required improvements, the City will require a one-year maintenance surety bond for 20 percent of the value of all improvements to guarantee maintenance and performance for a period of one year from the date of the acceptance of the improvements.

Sec. 15.94.050. - Engineering/special services for review.

With regard to any development proposal for which the city deems it necessary to contract for engineering and/or other special technical services for the review thereof or for the design of facility expansions to serve the development, the developer may be required to pay all or part of the special services. In such cases, the choice of the contract service provider shall be at the discretion of the city, and the service provider shall perform the necessary services at the direction of the city. The costs for the services shall be determined reasonable, and an estimate of the costs shall be provided to the developer prior to contracting therefore [therefor].

FINDING: Staff include this criterion for reference only.

ARTICLE 7 – PROCEDURES

CHAPTER 15.204. - APPLICATION PROCEDURES

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.*

FINDING: The application is being reviewed in accordance with the Type II administrative review procedures. As evidenced by the application submitted for review, the required elements listed above were included for review. Criteria met.

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 duration from the date notice was mailed or a longer [period] as specified in the notice. The deadline for submitting written comments 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.*
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. *The planning commission;*
- e. *Any neighborhood or community organization formally recognized by the city council, whose boundaries include the site;*
- f. *Any person who submits a written request to receive a notice; and*
- 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.*

FINDING: The application was deemed complete on December 18th, 2025, and staff sent the notice of application on January 14th, 2026. The comment period was left open for 14 days following the notice of application. All of the above listed applicable entities were included in the notice. Criteria met.

- 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.*

FINDING: As evidenced by the notice of application included in the record, the notice included all of the above listed required elements. Criteria met.

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.*

FINDING: Comments were received during the 14 day comment period, and they have been included in this decision for reference. A decision is being rendered to approve the proposal with conditions. The review is not being referred to the planning commission for a final decision, unless an appeal is received, at which time it will be sent to the planning commission for review. Criteria met.

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.*

FINDING: The decision is being issued in accordance with the above criteria and sent to all entities listed above. An affidavit of mailing is included in the record. The notice contained all of the above listed requirements. Criteria met.

- 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.*

FINDING: Following the decision, a 12 day appeal period will be applied towards the request where any party can file an appeal in accordance with the appeal criteria. If no appeal is received, the decision will become final and building permits may be applied for after such time. Criteria met.

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.

FINDING: The decision is not being appealed at this time, However, if it is appealed, the above listed procedures shall apply.

ARTICLE 8 - APPLICATIONS AND REVIEWS

CHAPTER 15.312. - SITE PLAN REVIEW

Sec. 15.312.010. - Purpose.

- A. *The purpose of the site plan review provisions of this section [chapter] is to ensure that development within the city complies with standards and limitations set forth within the applicable zone, by other city standards and requirements and by applicable county, state and federal regulations.*
- B. *This broad purpose is furthered by the following specific purposes of site plan review:*
 - 1. *To implement the goals and policies of the comprehensive plan.*
 - 2. *To foster development that is designed, arranged and constructed in a manner that provides a safe, efficient and aesthetically pleasing community asset.*
 - 3. *To encourage originality and creativity in site design, architecture and landscape design.*
 - 4. *To ensure that the arrangement of all functions, uses and improvements of a development reflect the natural amenities, capabilities and limitations of its site and adjacent areas.*
 - 5. *To encourage development where the various structures, use areas and site elements are integrated in a manner that is visually harmonious within the development and the surrounding area.*
 - 6. *To encourage development and landscape design that complements the natural landscape and setting, improves the general appearance of the community and enhances specific elements of the man-made environment, both presently and historically.*

FINDING: The proposal is being reviewed in accordance with the site plan review criteria. The purposes of the site plan review criteria above are addressed subsequently through the review criteria addressed herein. Criteria met.

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 landscaping, parking and/or loading facilities and areas, 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.*

FINDING: The proposal is for new construction and new development, which results in the site plan review criteria being applicable towards the request, and the relevant criteria are addressed herein. Criteria met.

Sec. 15.312.025. - Site plan approval required.

Site plan review and approval, as specified by this chapter, shall be required prior to the following:

- A. *Site clearance activities such as grading, excavation or filling for any use or development requiring a permit pursuant to this Development Code.*
- B. *The issuance of a building or development permit for any use or development requiring city approval pursuant to this Development Code.*

FINDING: The above criteria has not been initiated by the applicant prior to approval though this development code, therefore the criteria is met.

Sec. 15.312.030. - Procedure type.

- A. *Site plan review applications are subject to Type II review in accordance with the procedures in [article 7](#) unless elevated to a Type III review at the discretion of the planning official.*
- B. *Pre-application conference. Prior to applying for site plan approval, applicants should and may meet with the city planning official, building official and public works director, or designees thereof, and present a preliminary plan which shall contain, in an approximate manner, the information required on a site plan review application.*
 - 1. *The purpose of the preliminary site plan review is to enable the applicant to obtain advice from the city as to the intent, standards, criteria and provisions of this chapter, this Development Code, other city ordinances, standards and regulations, and state and federal rules and regulations which may be pertinent to the proposal.*
 - 2. *Information presented for preliminary discussion shall be considered confidential if so requested by the applicant.*

FINDING: The proposal is being reviewed in accordance with the Type II procedures outlined in Article 7. The applicant held a pre-application conference with the city prior to submitting their application for review. Criteria met.

Sec. 15.312.040. - Submittal requirements.

A property owner or authorized representative thereof may initiate a request for site plan review by filing an application with the city using forms prescribed by the city together with the required filing

fee in accordance with the Type II application requirements in [article 7](#). In addition to the information required for a Type II review (see [article 7](#)), the applicant shall submit that which is listed below.

- A. *Requirements for information to be submitted. Information provided on the site plan shall conform to the following. The number of copies required shall be as specified on the application form.*
1. *Drawings depicting the proposal shall be presented on sheets not larger than 24 inches by 36 inches in the number of copies directed by the city.*
 2. *To facilitate public reviews and notice, at least one copy of the proposal shall be provided on a sheet of paper not larger than 11 inches by 17 inches.*
 3. *Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned and shall include a north arrow and scale.*
 4. *The city may require that the drawing, development plan or other information be provided to the city on computer disk in a format adaptable to the city's computer systems.*

FINDING: The applicant submitted a site plan with the application in digital form. The digital copy meets the above criteria, as evidenced by the application submitted. Criteria met.

- B. *Site analysis diagram. If required by the city planning official, this element of the site plan, which may be in schematic or free hand form to scale, shall indicate the following site characteristics:*
1. *Location and species of existing trees greater than six inches in diameter when measured four feet above the natural grade, and an indication of which trees are proposed to be removed.*
 2. *On sites that contain steep slopes, potential geological hazard or unique natural features that may affect the proposed development, the city may require contours mapped at two-foot intervals.*
 3. *Natural drainage ways, depths of any ground water tables less than 12 feet, any areas of surface water accumulations and any other significant natural features.*
 4. *The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site, and all buildings, utilities, retaining walls, and other man-made features, both existing and proposed.*
 5. *Natural features, including trees, riparian habitat and stream channels and structures on-site or on adjoining properties that have or may have a visual or other significant relationship with the site and the proposed development thereon.*

FINDING: The submitted site plan addressed the above criteria, as evidenced by the application submitted. Criteria met.

- C. *Site photographs. Photographs depicting the site and its relationship to adjoining sites and the general area are extremely valuable, should be provided, and may be required by the city planning official.*

FINDING: Site photographs are not required, staff was able to conduct a site visit to the property prior to a decision being rendered, and if needed can visit the property again prior to final approval. Criteria met.

- D. *Site development plan. The site plan shall indicate the following:*

1. *Legal description of the property.*
2. *Boundary dimensions and site area.*
3. *Location and sizes of existing and proposed utilities, including water lines, sewer lines, hydrants, etc.*
4. *Location of all existing and proposed structures, including distances from the property lines.*
5. *Area of the site to be covered by structures, existing and proposed, and the percentage of site coverage thereby.*
6. *All external dimensions of existing and proposed buildings and structures.*
7. *Location of building entrances and exits.*
8. *Access drives, parking and circulation areas, including their dimensions.*
9. *Service areas and delivery circulation plan for such uses as the loading and delivery of goods.*
10. *Locations, descriptions and dimensions of easements as may be applicable.*
11. *Grading and drainage plans and calculations, including spot elevations and contours at intervals close enough to convey their meaning.*
12. *Location of areas to be landscaped, including designated landscape material/plant types and sizes.*
13. *Outdoor recreation and/or play areas.*
14. *Pedestrian and bicycle circulation, including existing and proposed on-site and off-site sidewalks.*
15. *Location of mechanical equipment not enclosed within a building, garbage disposal areas, utility appurtenances and similar structures.*
16. *Exterior lighting and fencing.*
17. *Location, size and method of illumination of signs.*

18. *Provisions for handicapped persons.*
19. *Other site elements which will assist in the evaluation of site development.*
20. *Location, names, surface and right-of-way widths and improvement standards of all existing and proposed streets within or adjacent to the proposed development.*
21. *Location of areas designated for snow storage, in accordance with the requirements of section 18.86.060 [15.86.060], and calculations of the area required by the minimum standard and the proposed area.*
22. *Information necessary to demonstrate compliance with [the] fire code, including, but not limited to, fire flow, apparatus access, and hydrant spacing.*

FINDING: The submitted site plan addressed the above criteria, as evidenced by the application submitted. Criteria met.

- E. *Accompanying written summary. In addition to the foregoing site development plan requirements, a written summary of the proposal should be provided and may be required showing the following, (unless such is shown on the site development plan):*
 1. *Commercial and nonresidential development. For commercial and nonresidential development:*
 - a. *The square footage contained in the site area to be developed.*
 - b. *The percentage of the area to be covered by structures when developed.*
 - c. *The percentage of the area to be covered by parking areas and the total number of parking spaces.*
 - d. *The total square footage of all landscaped areas, including the percentage consisting of natural materials and the percentage of hard surfaced areas such as courtyards.*
 - e. *Trip generation letter, signed by a professional engineer registered by the State of Oregon (unless waived by the city planning official). A traffic impact analysis may be required in accordance with [section 15.90.080](#).*

FINDING: The submitted site plan addressed the above criteria with a written summary, as evidenced by the application submitted. A trip generation letter was also submitted with the application for review, and signed by a PE registered engineer. Criteria met.

2. *Residential development. For residential development:*
 - a. *The total square footage of the lot or parcel and in the structures in the development.*
 - b. *The number of dwelling units in the development (include the units by the number of bedrooms in each unit, for example, ten one-bedroom, 25 two-bedroom and the like).*
 - c. *Percentage of lot coverage by structures, way areas, recreation areas and landscaping.*

- d. *Trip generation letter, signed by a professional engineer registered by the State of Oregon (unless waived by the city planning official). A traffic impact analysis may be required in accordance with [section 15.90.080](#).*

FINDING: The proposal does not include residential development. Criteria does not apply.

- F. *Landscape plan. If required by the city planning official, a landscape plan shall be submitted and shall indicate the following.*
 1. *The size, species and locations of plant materials to be retained or placed on-site.*
 2. *The layout of irrigation facilities.*
 3. *Location and design details of walkways, plazas, courtyards and similar areas.*
 4. *Location, type and intensity of outdoor lighting.*
 5. *Location and design details of proposed fencing, retaining walls and trash collection areas.*
 6. *Other information as deemed appropriate by the review authority. An arborist's report may be required for sites with mature trees that are to be retained and protected.*

FINDING: A landscape plan was submitted with the application for review, and included all of the required elements addressed above, as evidenced by the submitted application. Criteria met.

- G. *Architectural drawings. This element of the site plan review, if required by the city planning official, shall indicate the following:*
 1. *A plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions and the relationship of the spaces to decks, porches, balconies and stairs or other features shown on the building elevations. The floor plans shall be provided for all building floors and shall include appropriate dimensions.*
 2. *Exterior elevations showing building heights, windows, doors, exterior light fixtures, stairways, balconies, decks and other architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations.*
 3. *Location and type of exterior light fixtures, including the lamp types and the levels of illumination that they provide.*
 4. *Location, size and method of illumination of all exterior signs.*

FINDING: The application submitted for review included architectural drawings addressing all of the above criteria. Criteria met.

H. *Property survey. A survey of the property by a licensed land surveyor may be required, and if required the survey shall clearly delineate property boundaries, and show the location of the corners of proposed buildings and other significant features proposed for the site. The requirement for a survey of the exterior boundaries of a site may be waived where it is found that there is a recent survey that can be used to clearly establish the applicant's property boundaries.*

FINDING: A property survey is not required. Criterion does not apply.

- I. *Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for roadway access control.*
- J. *Narrative. A written narrative addressing the applicable criteria listed [in] [section 15.312.050](#) for residential development and sections [15.312.050](#) and [15.312.060](#) for nonresidential development.*
- K. *Other information as determined by the city planning official. The city planning official may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), as necessary to determine a proposal's conformance with this Development Code.*

FINDING: A title report was included in the application, outlining all deed restrictions. A narrative was included with the application addressing the criteria within section 15.312.050 and 15.312.060 for nonresidential development. No other information is required by the planning official. Criteria met.

Sec. 15.312.050. - Approval criteria - all residential and nonresidential.

To ensure that the stated purposes of the site plan review process are met, the review authority shall be governed by the criteria below as they evaluate and render a decision on a proposal.

- A. *Statement of intent.*
 - 1. *The site plan review criteria are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.*
 - 2. *These criteria provide a clear and objective means of evaluating residential development (and the residential components of a mixed use development) in accordance with ORS 197.*

FINDING: As discussed herein, all applicable provisions of the underlying zone (Industrial Zone) have been met and therefore, this criterion is met.

- 3. *The review authority is not authorized as a part of the site plan review process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this Development Code.*

FINDING: As discussed herein, staff has reviewed the applicant's proposal under the site plan regulations highlighted above. These criteria are met.

B. *Site plan evaluation criteria. The following criteria shall be used in evaluating all site development plans:*

1. *The application is complete, in accordance with the applicable procedures in [article 7](#).*

FINDING: The application was deemed complete on December 18th, 2026, in accordance with LPDC Article 7. This criterion is met.

2. *The application complies with all applicable provisions of the underlying zoning district in [article 3](#), including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.*

FINDING: As discussed herein, all applicable provisions of the underlying zone (Industrial Zone) have been met and therefore, this criterion is met.

3. *The application complies with the provisions of the any applicable overlay zones in [article 4](#).*

FINDING: The subject property is not within an overlay zone identified within Article 4, therefore this criterion does not apply.

4. *The proposal complies with all applicable development and design standards of [article 5](#).*

FINDING: As discussed herein, all applicable development and design standards of LPDC Article 5 have been met, therefore this criterion has been met.

5. *The application complies with all applicable special use standards in [article 6](#).*

FINDING: As discussed herein, all applicable development and design standards of LPDC Article 6 have been met, therefore this criterion has been met.

6. *Adequate public facilities and utilities are available or can be made prior to occupancy to serve the proposed development.*

FINDING: The City of La Pine Public Works Department did not share concerns regarding the proposed development, and the use is not projected to exceed the carrying capacity of water and sewer facilities. Midstate Electric was provided notice of the application, and no concerns were shared from that entity. Through agency comments from the road authority, and subsequent conditions of approval being included to mitigate for the access points, the request will not exceed the carrying capacity of the roadway system in that area. Criteria met.

7. *The proposed site plan conforms to the standards within the adopted La Pine Transportation System Plan (TSP), as may be amended from time to time, unless other design standards are specifically approved by the city.*

FINDING: As discussed herein, several public improvements are required to bring the development into compliance with the La Pine Transportation System Plan. Those requirements have previously been added to the conditions of approval for this land use decision. As conditioned the site will be in compliance with the La Pine Transportation System Plan and therefore, this criterion is met.

8. *The proposed site plan conforms to the La Pine Sewer and Water Standards, as may be amended from time to time, unless other design standards are specifically approved by the*

city. All sewer improvements must comply with Oregon Administrative Rules chapter 340 division 52 requirements, including Appendix A - Sewer Pipelines.

FINDING: Compliance with the La Pine Sewer and Water standards will be reviewed during the Pre-Construction meeting that will be held prior to development. This has been conditioned through a prior included condition of approval. Criteria met.

9. *The proposed site plan conforms to the Central Oregon Stormwater Manual (COSM), as may be amended from time to time, unless other design standards are specifically approved by the city.*

FINDING: As previously conditioned, prior to the issuance of building permits, the applicant's site plan will be reviewed for compliance with the Central Oregon Stormwater Manual. As conditioned this criterion is met.

10. *All utilities shall be installed underground, unless otherwise specifically approved by the city.*

FINDING: As previously conditioned, all utilities shall be installed underground. As conditioned, this criterion is met.

11. *The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.*

Note— *Compliance with other city codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.*

FINDING: The applicant is proposing new development of the property and not altering a previous site plan approval, and no previous land use approvals exist for the property. Therefore, this criterion is not applicable.

Sec. 15.312.060. - Additional approval criteria - nonresidential development.

In addition to the approval criteria in [section 15.312.050](#), to ensure that the stated purposes of the site plan review process are met, the review authority shall also be governed by the criteria below as they evaluate and render a decision on a nonresidential development proposal.

A. Statement of intent.

1. *The site plan review criteria for nonresidential development are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.*
2. *These criteria are not intended to be inflexible requirements, nor are they intended to discourage creativity. The specification of one or more architectural styles is not intended by these criteria.*
3. *The review authority is not authorized as a part of the design review process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this chapter.*

FINDING: As discussed herein, staff has reviewed the applicant's proposal under the site plan regulations highlighted above. These criteria are met.

B. *Site plan evaluation criteria. In addition to the approval criteria in [section 15.312.050](#), the following criteria shall be used in evaluating nonresidential site development plans:*

1. *The arrangement of all functions, uses and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites.*

FINDING: As addressed herein, the applicant's proposal complies with all development regulations and therefore staff finds the design is well suited to the natural characteristics and limitations of the site. This criterion is met.

2. *In terms of setback from streets or sidewalks, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures.*

FINDING: As proposed, the development would be located in the eastern portion of the property. Property to the east is developed with an existing industrial building that is currently vacant. The property is surrounded by roads on all other sides. The setbacks and design along the western boundary provide a buffer from the neighboring commercial development, ensuring that the development is compatible with existing and future industrial uses to be built in the area. Criteria met.

3. *The design incorporates existing features, such as streams, rocks, slopes, vegetation and the like, as part of the overall design.*

FINDING: The subject property does not contain any existing natural features listed above, criteria does not apply.

4. *Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscape/open space in order to create a pedestrian/bike pathway and/or open system that connects several properties or uses.*

FINDING: As discussed and conditioned herein, the applicant's site plan incorporates a continuous walkway system and convenient bicycle parking is provided. This criterion is met.

5. *The arrangement of the improvements on the site do not unreasonably degrade the scenic values of the community and the surrounding area in particular.*

FINDING: As discussed herein, the improvements to the site are in adherence to the development code which does not unreasonably degrade the scenic values of the community. This criterion is met.

6. *Where appropriate, the design includes a parking and circulation system that encourages a pedestrian and/or bicycle rather than vehicular orientation, including a separate service area for delivery of goods.*

FINDING: As discussed and conditioned herein, the parking and circulation requirements of LPDC Chapter 15.88 have been met which creates a system that provides safe circulation for vehicles, pedestrians, and bicycles. This criterion is met.

7. *The design gives attention to the placement of storage, mechanical equipment, utilities or waste collection facilities so as to screen such from view, both from within and from outside the site.*

FINDING: As discussed herein, all mechanical equipment, utilities, and waste collection facilities will be screened

from view. This criterion is met.

C. Landscape design evaluation criteria. The following criteria shall be used in evaluating landscape plans:

- 1. The overall design substantially complements the natural environment of the city and the character of the site and the surrounding area.*
- 2. The design acknowledges the growing conditions for this climatic zone, and the unique requirements that its specific site location makes upon plant selection.*
- 3. Provision has been made for the survival and continuous maintenance of the landscape and its vegetation.*
- 4. The design contributes to the stabilization of slopes and the protection of other natural features and resources where applicable.*

FINDING: As discussed herein, the landscape plan for the site meets and exceeds the requirements of LPDC Chapter 15.82; therefore, this criterion is met.

Sec. 15.312.070. - Conditions of approval.

In addition to the standards and conditions set forth in a specific zone (if found to be necessary and supported with adequate findings), additional conditions may be imposed by the city which are found to be necessary to avoid a detrimental impact on adjoining properties, the general area or the city as a whole, and to otherwise protect the general welfare and interests of the surrounding area. The conditions may include, but are not limited to, the following:

- A. Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restrictions to minimize environmental impacts such as noise, vibration, air or water pollution, glare and odor.*
- B. Establishing a special setback or other open space requirements, and increasing the required lot size or other dimensional standards.*
- C. Limiting the height, size or location of a building or other structure or use.*
- D. Increasing street width and/or requiring improvements to public streets and other public facilities serving the proposed use, even including those off-site but necessary to serve the subject proposal.*
- E. Designating the size, number, improvements, location and nature of vehicle access points and routes, and requiring pedestrian and/or bicycle ways.*
- F. Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor or security lighting, and the intensity and/or direction thereof.*
- G. Requiring screening, fencing or other improvements or facilities deemed necessary to protect adjacent or nearby properties, and establishing requirements or standards for the installation and maintenance thereof.*

H. *Protecting and preserving existing trees, other vegetation and water, scenic, historic, archaeological, unique, landmark or other natural or man-made significant resources.*

FINDING: Additional conditions of approval have been included herein for this decision. No other conditions of approval in accordance with the above-mentioned elements are required at this time. Criteria met.

Sec. 15.312.080. - Revision of plans.

Construction documents (that is, plans, drawings and specifications) shall conform to all aspects of the approved design review plan. Where circumstances, unknown or unforeseen at the time the plans are approved, make it undesirable or unfeasible to comply with some particular aspect of the approved plan, the applicant shall request in writing that the city review needed and/or proposed modifications. The review authority that originally approved the plans shall review the proposed modifications to determine whether they constitute a major or minor revision of the approved plans.

A. *Major modifications.*

- 1. Major modifications are those which result in a significant change in the initial plans. The following are examples of major modifications: changes in the siting of a building; modification of areas to be landscaped; and modifications to a plan element that was the subject of a design review authority condition of approval.*
- 2. If the review authority determines that the proposed change is a major modification, the proposed alteration shall be reviewed and processed in the same manner as the original application and as a new application; however, the fee shall only be 50 percent of the original application fee.*

B. *Minor modifications.*

- 1. Minor modifications are those which result in an insignificant change in the initial plans. Examples are: limited dimensional or locational changes to building elements such as doors; changes in building materials where only a limited area is affected; and substitution of landscape materials which do not affect the overall landscape design.*
- 2. If the city determines that the proposed change is a minor modification, the review authority may proceed with the review of the plans; however, if the review authority is different than the original review authority, the original review authority shall be notified of the proposed change and given an opportunity to comment relative thereto prior to final approval of such change.*

FINDING: To ensure compliance, the following condition has been added:

Revision of Plans: **At all times**, construction documents shall conform to all aspects of the approved design review plan. Where circumstances, unknown or unforeseen at the time the plans are approved, make it undesirable or unfeasible to comply with some particular aspect of the approved plan, the applicant shall request in writing that the city review need and/or proposed modifications. The review authority that originally approved the plans shall review the proposed modifications to determine whether they constitute a major or minor revision of the approved plans in accordance with LPDC 15.312.080.

Sec. 15.312.090. - Performance assurance.

- A. *Landscaping and other site improvements required pursuant to an approved design review plan shall be installed prior to the issuance of a certificate of occupancy or final inspection, unless the property owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.*
- B. *In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the city. Acceptable performance assurances shall be in compliance with the provisions of this chapter or as otherwise approved by the city.*
- C. *Performance guarantee required for infrastructure improvements. The city at its discretion may allow a developer to delay installation of required public infrastructure improvements provided such infrastructure improvements must be complete and accepted by the city prior to the issuance of a certificate of occupancy, and provided that the applicant provides assurance for said improvements acceptable to the city. The applicant shall provide a bond issued by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the city, cash, or other form of security acceptable to the city.*

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

Landscaping and Other Site Improvement Performance Assurance: **Prior to occupancy**, all landscaping and other site improvements required shall be installed. The owner and/or applicant may submit a performance assurance device that is approved by the city that commits the installation of landscaping and other site improvements within one year. In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the city. Acceptable performance assurances shall be in compliance with the provisions of this chapter or as otherwise approved by the city.

V. CONCLUSION

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

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

VI. DECISION

APPROVAL, subject to the following conditions of approval.

VII. CONDITIONS OF APPROVAL:

AT ALL TIMES

1. Application Materials: This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
2. Additional Permit Requirements: The applicant shall obtain necessary permits from the City of La Pine, Deschutes County Building Department, Deschutes County Onsite Wastewater Department, and any other necessary State or Federal permits.
3. Confirmation of Conditions: The applicant shall be responsible for confirming in detail how each specific condition of approval has been met if requested by City staff.
4. Screening Requirement of Accessory Storage: **At all times**, all accessory storage of junk, waste, discarded or salvaged material, machinery, or equipment shall not be permitted except within a completely enclosed structure. Or, if the lot area devoted to such use is over 200 square feet in area, the owner may have the alternative of enclosing it on all sides in conformance with the requirements of Section 15.24.400.B.
5. Emission Control: **At all times**, industrial uses shall comply with all applicable pollution control regulations enacted by the federal and state government and other governmental authorities.
6. Noise Shielding: **At all times**, industrial uses shall provide necessary shielding or other protective measures against interference caused by mechanical and nuclear equipment, or uses or processes with electrical apparatus, to nearby residences.
7. Lighting: **At all times**, all exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
8. Maintenance and Plant Survival: **At all times** all landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.
9. Future Off-Street Loading: **At all times**, if any future use requires the receipt or distribution of materials or merchandise by trucks with a 40-foot or longer wheelbase at a frequency of one or more vehicles per week, the property owner shall submit a Modification application to the Planning Department demonstrating compliance with Section 15.86.020 prior to the occupancy of such use.
10. Underground Utilities: **At all times**, All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
11. Default Status: **At all times**, if a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the city shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the city, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.

12. Revision of Plans: **At all times**, construction documents shall conform to all aspects of the approved design review plan. Where circumstances, unknown or unforeseen at the time the plans are approved, make it undesirable or unfeasible to comply with some particular aspect of the approved plan, the applicant shall request in writing that the city review need and/or proposed modifications. The review authority that originally approved the plans shall review the proposed modifications to determine whether they constitute a major or minor revision of the approved plans in accordance with LPDC 15.312.080.

PRIOR TO CONSTRUCTION

13. Preconstruction Meeting: **Prior to construction**, a pre-construction meeting with the construction contractor shall be held with City staff. Contact the City prior to any work in the ROW, including City water, City sewer, or other utilities. To schedule the preconstruction meeting, the applicant shall reach out to the Community Development Department and submit a narrative describing how each of the required preconstruction conditions of approval have been, or will be, met. The required fee for a preconstruction meeting will be assessed and due prior to the meeting.
14. Modification: **Prior to the construction of public improvements**, improvement work shall not commence until after the city has been notified and approval therefore has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.
15. Agreement for Improvements: **Prior to the construction of public improvements**, since the applicant has proposed to connect to City water and sewer and install sidewalks, and is being conditioned to provide street trees, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the city an agreement between him/herself and the city specifying the period in which improvements and repairs shall be completed and, providing that if the work is not completed within the period specified, that the city may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. Per LPDC 15.94.020.B, such an agreement must be secured by a bond or other performance assurance of 120% of the cost of public improvements and shall also provide for payment to the city for the cost of inspection and other engineer services directly attributed to the project.
16. Performance Bond for Constructed Public Improvements: **Prior to the construction of public improvements**, and only if the applicant is electing to file an Agreement for Improvements set forth in LPDC 15.94.020.B and for those improvements that are to be constructed and not otherwise paid for separately by fee in lieu, the applicant shall provide the City with a performance bond of 120 percent of the cost of improvements prior to beginning construction that meets and shall be administered according to the requirements of LPDC 15.94.020.
17. Building Permits: **Prior to Construction**, no building permits shall be issued upon lots to receive and be served by sanitary, sewer and water service and streets as improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the city, with the service connections fees paid, and accepted by the city.

PRIOR TO THE PRECONSTRUCTION MEETING

18. Deschutes County Road Department Comments: **Prior to the preconstruction meeting**, the applicant shall complete a Deschutes County improvement plan review with the County Road Department so that the

County Engineer can review the final improvement designs along the Box Way frontage. The Applicant shall also apply for a driveway access permit, and right of way permit with the county. The results of this review shall be passed along to the City.

19. Sidewalk Improvement Plans: ***Prior to the preconstruction meeting***, sidewalk and street improvement plans shall comply with Design Standards, II. Design Parameters A. Street, and III. Drawings shall be submitted to the City for review.
20. Sewer Service and Tank Design: ***Prior to the preconstruction meeting***, Provide details of the connection to the existing sewer service, septic tank, and sewer service cleanouts that comply with Design Standards - "Design Parameters," C. Sewer, and Design Standards - "Drawings."
21. Sewer Service and Tank Location: ***Prior to the preconstruction meeting***, Show the proposed sewer service and proposed septic tank locations on the site plan. Specify the septic tank size to comply with the minimum volume requirement stated in the Design Standards.
22. Details of the Water Plan: ***Prior to the preconstruction meeting***, provide details and location of the hot tap on the existing water main, fire service, water service, backflow prevention device, and water meter box that comply with Design Standards, II. Design Parameters, D. Water, and III. Drawings. A public utility plan showing the water main tap, fire service, backflow prevention device, and fire department connection locations shall also be provided.
23. Bicycle Parking: ***Prior to the preconstruction meeting***, the site plan shall be amended to depict 6 bicycle parking spaces.
24. Box Way Street Improvements: ***Prior to the preconstruction meeting***, the applicant shall submit revised public improvement plans showing the correct dedication of ROW so that Box Way conforms to the required local street width as required in the La Pine TSP. The sidewalks must be within the ROW – an easement for sidewalk access will not be granted on the subject property – and the existing power vault on the subject property shall be moved to accommodate the location of the sidewalk as required in the TSP. The sidewalk must be designed in accordance with all applicable City design standards. The installation of street trees must occur at an average 35-foot spacing except when within clear vision triangles on the subject property side of the street. All revised improvements must go through a formal County Engineering review and the results of this review shall be sent to the City prior to the preconstruction meeting.
25. Sewer and Water Plan Approval: ***Prior to the preconstruction meeting***, sanitary sewer and water plans in conformance with City standards shall be provided to the Public Works Director. Modifications to public sewer or water lines may need to be reviewed by DEQ. Development permits for sewer and water improvements will not be issued until the preconstruction meeting is held and all plans are approved and signed by the Public Works Director.
26. Stormwater: ***Prior to the preconstruction meeting***, the City must review and approve the drainage facilities on site for compliance with LPDC Section 15.90.040
27. Utility Installation: ***Prior to the preconstruction meeting***, the developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.

28. Plan Review and Approval: **Prior to the preconstruction meeting**, improvement work being installed by the developer shall not be commenced until development plans have been reviewed and approved by the City or a designated representative thereof. The review and approval shall be at the expense of the developer.

PRIOR TO OCCUPANCY

29. State Fire Marshall Comments: **Prior to occupancy**, the applicant shall confirm that all of the Deputy State Fire Marshalls requirements have been met.
30. Plant Installation Standards: **Prior to occupancy** the applicant shall confirm that the following plant installation standards are met for all landscaping:
31. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
32. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
33. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
34. Rows of plants should be staggered to provide for more effective coverage.
35. Approach Permit: **Prior to occupancy**, the applicant must submit approved approach/driveway permits for the entrance to the site.
36. Duties of Developer: **Prior to occupancy**, it shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, telephone and cable television lines necessary to serve the use or development in accordance with the specifications of the city and/or the serving entity.
37. Improvements as Platted: **Prior to occupancy**, improvements shall be designed, installed, and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the City.
38. Inspection: **Prior to occupancy**, improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer. Fees established by the city council for such review and inspection may be established in lieu of actual expenses. The city, through the inspector, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.
39. Utilities: **Prior to occupancy**, underground utilities including, but not limited to, electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets, shall be constructed by the developer prior to the surfacing of the streets.
40. As Built Plans: **Prior to occupancy**, as built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the city upon the completion of all such improvements. A copy of the as built plans shall be filed with the final plat of a subdivision or other development by and at

the cost of the developer. The plans shall be completed and duly filed within 30 days of the completion of the improvements.

41. Sale or Occupancy: **Prior to occupancy or sale**, the public improvements proposed by the applicant to connect to water and sewer, construct the new sidewalks, and install street trees shall be completed, in service and approved by the city, and accepted by the city council, prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the development.
42. Maintenance Surety Bond: **Prior to occupancy**, at the completion of construction of the required improvements, the City will require a one-year maintenance surety bond for 20 percent of the value of all improvements to guarantee maintenance and performance for a period of one year from the date of the acceptance of the improvements.
43. Landscaping and Other Site Improvement Performance Assurance: **Prior to occupancy**, all landscaping and other site improvements required shall be installed. The owner and/or applicant may submit a performance assurance device that is approved by the city that commits the installation of landscaping and other site improvements within one year. In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the city. Acceptable performance assurances shall be in compliance with the provisions of this chapter or as otherwise approved by the city.

VIII. DURATION OF APPROVAL, NOTICE, AND APPEALS

This approval shall lapse, and a new approval shall be required, if the use approved in this permit is not initiated within two (2) years of the date that this decision becomes final, or if development of the site is in violation of the approved plan or other applicable codes. A one time extension of up to one (1) additional year may be applied for in accordance with Chapter 15.202, so long as the request is submitted and paid for prior to the expiration of the approval.

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

CITY OF LA PINE COMMUNITY DEVELOPMENT DEPARTMENT



Written By: Brent Bybee, Community Development Director

Attachment: