



**CITY OF LA PINE, OREGON  
PLANNING COMMISSION**

**Wednesday, August 17<sup>th</sup>, 2022 at 5:30 PM**

**La Pine City Hall: 16345 Sixth Street, La Pine, Oregon 97739**

Online access via Zoom: <https://us02web.zoom.us/j/89857470800>

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Hall at (541-536-1432). For deaf, hearing impaired, or speech disabled dial 541-536-1432 for TTY.*

**AGENDA**

**CALL TO ORDER**

**ESTABLISH QUORUM**

**PLEDGE OF ALLEGIANCE**

**ADDED AGENDA ITEMS**

Any matters added at this time will be discussed during the “Other Matter” portion of this agenda.

**APPROVAL OF PRIOR MEETING MINUTES**

- 1. 07.20.2022 Planning Commission Meeting Minutes.....4.

**PUBLIC HEARING (CONTINUANCE)**

*All public hearings will follow the following procedure:*

- |                        |                          |
|------------------------|--------------------------|
| A. Open Public Hearing | D. Open Public Testimony |
| B. Staff Report        | E. Applicant Rebuttal    |
| C. Applicant Testimony | F. Close Hearing         |

- 1. 01-SUB22 Trailhead
  - a. Hearing
    - i. Hearing Script.....6.
  - b. Applicant Documents
    - i. Application.....10.
    - ii. Burden of Proof.....18.
    - iii. CC&R’s.....57.
    - iv. Deed.....68.
    - v. Title.....71.
    - vi. Plans.....79.

- vii. Traffic Report.....85.
- viii. Neighborhood Contact Information.....118.
- c. City Documents
  - i. Staff Report .....120.
  - ii. Mailing Labels.....168.
  - iii. Public Works Comments.....169.
  - iv. Engineering Comments.....170.

**CLOSE OF PUBLIC HEARING (CONTINUANCE)**

**OLD BUSINESS:**

- 1. 01-SUB22 North Pine Village – Commission deliberation

**PUBLIC HEARING**

*All public hearings will follow the following procedure:*

- A. Open Public Hearing
- B. Staff Report
- C. Applicant Testimony
- D. Open Public Testimony
- E. Applicant Rebuttal
- F. Close Hearing

**2. 02-ZC22 North Pine Village**

- a. Hearing
  - i. Hearing Script.....171.
- b. Applicant Documents
  - i. Application.....175.
  - ii. Burden of Proof/Narrative.....179.
  - iii. Deed.....191.
  - iv. Title.....195.
  - v. Map.....203.
  - vi. Traffic Report.....204.
- c. City Documents
  - i. Staff Report.....214.
  - ii. Mailing Labels.....226.
  - iii. Public Works Comments.....227.
  - iv. Engineering Comments.....228.
  - v. ODOT Comments.....229.



**CLOSE OF PUBLIC HEARING**

**NEW BUSINESS**

1. 02-ZC22 North Pine Village – Commission deliberation

**OTHER MATTERS**

*Only Items that were previously added above in the Added Agenda Items will be discussed.*

**PUBLIC COMMENTS**

**STAFF AND COMMITTEE COMMENTS**

**ADJOURN**

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**Pursuant to ORS 192.640:** This notice includes a list of the principal subjects anticipated to be considered or discussed at the above-referenced meeting. This notice does not limit the ability of the Planning Commission - Canceled to consider or discuss additional subjects. This meeting is subject to cancellation without notice. The regular meeting is open to the public and interested citizens are invited to attend.



## CITY of LA PINE PLANNING COMMISSION MINUTES

Wednesday, July 20, 2022

**5:30 p.m.**

16345 Sixth Street, La Pine, Oregon 97739

1. Call to Order

The meeting was called to order at 5:30 p.m. by Russell Smith.

2. Establish Quorum

A quorum was established.

Members Present: John Cameron, Bea Leach Hatler, Teri Myers, Mary Hatfield, and Russell Smith.

Staff Present: Geoff Wullschlager, City Manager, Alexa Repko, Principal Planner, and Stacie Skeeters, Administrative Assistant.

3. Pledge of Allegiance

4. Added Agenda Items

None.

5. Approve Minutes from 06/15/2022

Bea Leach Hatler made a motion to approve the meeting minutes from June 15, 2022. The motion was seconded by Teri Myers and carried by a unanimous vote.

Commission Chair Discussion

Bea Leach Hatler was appointed as the Planning Commission's new Chair. Teri Myers made a motion and it was seconded by Mary Hatfield.

6. Public Hearing

The public hearing was called to order at 5:38 p.m. by Bea Leach Hatler.

Alexa Repko, Principal Planner, read the Staff Report to the Planning Commission on the following land use application:

- 01SUB - 22 Trailhead:

The Applicant, Ryan Blake, and his counsel, Greg Blackmore briefly reviewed the proposal. They were seeking a continuance as Gary Blake could not attend the hearing. The continuance was approved and set for August 17, 2022 at 5:30pm.

The public hearing was adjourned at 6:04 p.m.

The public hearing was called to order at 6:05 p.m. by Bea Leach Hatler.

Alexa Repko, Principal Planner, read the Staff Report to the Planning Commission on the following land use application:

- 01ZC-22: Zone Change:

Alexa Repko provided review of applicable Development Code, Comprehensive Plan, and Transportation Systems Plan standards.

The Applicant, Nathan Knott presented his proposal and discussed his possible plans for the subject property including multi-family housing and storage.

Planning Commissioner, Teri Myers asked about affordability.

Teri Myers made a motion to approve 01ZC-22. Russell Smith seconded the motion and it was carried by a unanimous vote.

The public hearing was closed at 6:28 p.m.

7. Public Comments

Scott Henderson of Anchor Way, expressed concern for the sidewalks and parking in the development of 01SUB-22 Trailhead.

Steve and Stacey of Anchor Way, expressed concern for future parking and maintenance in the development of 01SUB-22 Trailhead.

9. Staff and Committee Comments

None.

10. Adjourn

Bea Leach Hatler adjourned the meeting at 6:31 p.m. by a unanimous vote.



## PLANNING COMMISSION MEETING AND PUBLIC HEARING SCRIPT

### Wednesday August 17, 2022 – ~~5:30 p.m.~~

La Pine City Hall

16345 6<sup>th</sup> Street, La Pine OR, 97739

#### I. CALL TO ORDER

Commission Chair should call the meeting to order:

*I now call this continuance of a public hearing of the La Pine Planning Commission to order at XX:XX p.m., August 17, 2022.*

#### II. CONTINUANCE PUBLIC HEARING OF AN APPLICATION FOR 01 SUB-22 The chair should start by opening the public hearing and saying following:

*“This is a quasi-judicial public hearing of the La Pine Planning Commission to consider an application for a **Subdivision** in both the **Residential Single Family (RSF)**, and the **Commercial Residential Mixed Use (CRMX)** Zones within the City of La Pine. The decision that will be made here tonight is going to be whether or not the Planning Commission should approve the requested **Subdivision** use.*

*“A copy of the staff report describing the proposed use has been available to the public since **July 13**, 2021, and City staff has been available for questions and comments regarding the proposed use since that time. Notice of the hearing tonight has been provided to the public through*

1. Mailed notice of public hearing sent to neighbors within 100 feet on June 22, 2022; and
2. Mailed notice to the City’s agency notification list on June 22, 2022; and
3. Electronic posting on the City’s website on June 22, 2022; and
4. Notice posted on the project site at least 14 days in advance of this hearing; and
5. Notice posted in a local newspaper of general circulation (wise buys) at least ten days in advance of this hearing.

*“This hearing is an opportunity for the public to comment on the proposed use. I would like to ask those present if there is any objection to the jurisdiction of this commission or any of its members? This question is specific to the authority of the La Pine City Planning Commission in approving or denying a request for a **Subdivision** use within the City of La Pine.”*

**Wait to see if there is a response. If there is, advise the person making the response that they have to address the question that was just asked. If they get off topic, reiterate that the only question requiring response is in regard to the jurisdiction of the Planning Commission and its authority for this hearing, then ask the initial question again. There**

**can't be any confusion about what the issue is, so just make sure that any public present understands what you're asking. If someone raises a point, staff will try and address it. The rest of these notes assume that there isn't a legitimate objection to the jurisdiction of the commission.**

*"Hearing no objections to the jurisdiction of this commission, I would like to ask if any member of this commission has any conflict of interest or bias regarding the matter before the commission tonight."*

**There shouldn't be any issue, but if you have any questions about what you think is a conflict of interest or a bias, now is the time to ask staff. If any member of the commission has talked to the applicant or a member of the public about the application, you should mention that and summarize the conversation. You don't need to recuse yourself for conversations about the application, but you should mention them before proceeding. Depending on what is stated, we'll proceed with the public hearing. I don't think there will be any issues, so the next statements are based on the assumption that the commission will be able to make a decision tonight.**

*"At this time, I'll have the City Planner, summarize the Planner's staff report*

**The City Planner will go through the report, note the effect of the requested use, and make any other comments on the application relevant to the commission's decision tonight. If there are any questions, please ask so we can get them out of the way during the hearing. I will also relay any correspondence, or written testimony received. Once we are done the Chair should ask if there are any other questions of the commission before proceeding.**

*"At this time, I'll have the City Planner relay any correspondence and written testimony or inquiry received to date since the notice of the public hearing beginning on June 22, 2022.*

**I will relay any correspondence, or written testimony received. Once we're done the Chair should ask if there are any other questions of the commission before proceeding.**

*"The decision that will be made tonight is whether or not the Planning Commission will approve of the requested use. The decision to approve or deny the use will be adopted through a final order that staff will prepare after the meeting tonight (If there is no additional continuance requested by a party to the hearing or the Planning Commission itself). Any appeal to the decision made here tonight must be submitted to the City Recorder or Manager within ten days of the date that the final order is signed. Once staff has prepared the final order and I have signed it, the applicant will be notified along with anyone else that requests or is required to be notified. Notification will be provided within five days of the date that the order is signed. Are there any questions about this process?"*

**You may get a few questions at this point. You can let the City Planner and I answer any of these questions.**

**APPLICANTS TESTIMONY** – *“The Planning Commission now calls for the applicant to present any testimony regarding their application.”*

**This is an opportunity for the applicant or their representative(s) to present any information/testimony regarding the application as submitted.**

**PUBLIC COMMENT** - *“The Planning Commission will now call for public testimony. The City Administration also called for participants to submit written testimony in the public notice as posted on **JUNE 22, 2022, and through the subsequent code and state law/rule compliant, electronic and published postings,** if they could not participate this evening. First, we will hear from Proponents, then Opponents, then people neither in support nor in opposition to the application.*

*If there are any comments on the proposed use, please keep those comments brief and to the point. If there is an objection to a proposed use, **the objection needs to address relevant facts or information from the City’s municipal code, the City’s comprehensive plan, the Planner’s staff report or relevant State law.** Any material produced in relation to, support or opposition of, the proposed use must be submitted to the Recorder or Manager to be included in the record. **Failure to address a pertinent criterion at this hearing will preclude an appeal based on that criterion.** Any party may request that the record for this hearing be held open for at least seven days; however, this request must be made prior to the close of this hearing and is subject to the requirements of ORS 227.178 which requires the governing body of a city or its designee to take final action on an application for a permit, including resolution of all appeals within 120 days after the application is deemed complete. The city received and deemed the application complete on June 21, 2021.*

*Comments are limited to three minutes. Persons wishing to speak must first be recognized by the chair and must state their name and address. If you are representing another person or entity, please state who that is and what your connection to that person or entity is.*

*I will be calling for public comment in following fashion:*

- 1. Proponents or supporters of the application*
- 2. Opponents or those who do not support the application*
- 3. Neutral parties neither in support nor opposition of the application”*

**I’ll hand the sign-in sheet (if we are conducting an in-person meeting or will recognize participants that elect to be recognized by virtual means) to the chair and he/she can start going through the names. I will keep a list as well to ensure that we follow the order of testimony correctly You’ll want to take proponents comments first, opponents second and neutral testimony last,**

**The applicant gets three minutes to respond to each opponent. If the applicant gives new information during their rebuttal, the opponent that they addressed gets an additional three minutes to respond. Once someone starts talking, you’ll want to make sure they**

**don't get interrupted. If a person has a specific objection to the proposed use, they need to make that objection at this time.**

*"I will take any Proponents' testimony first."*

**Please re-indicate that it is important for those wishing to speak, to only identify themselves if they are proponents at this time.**

*"I will now take any Opponents testimony. Please keep in mind that the applicant gets three minutes to respond to each opponent. If the applicant gives any new information during their rebuttal, the opponent in turn gets an additional three minutes to respond."*

**Let anyone who has been identified by the meeting administrator in opposition to the application make public comment at this time. Please follow the standards as described above in the proponent's category.**

*"I will now take any Neutral testimony."*

**Let anyone who has been identified by the meeting administrator as neutral to the application make public comment at this time. Please follow the standards as described above in the proponent's category.**

*"Are there any questions from the commission about comments received at this time?"*

**This gives the commissioners a chance to clarify anything they have heard. Since we are still in the public hearing, I would suggest that the commission stay on topic with what has been said during the public comment, this is not a time for commission deliberations on the merits of the application.**

*"Is there a request to keep the record open?"*

**If such a request is made, the commission needs to leave the record open for at least seven days. If this happens, the chair should set a date to reconvene, and the hearing will be concluded at that time. There are no special noticing requirements for reconvening.**

**If Necessary** *"This public hearing of the planning commission will re-convene on XXXX,XX, 2022, at 5:30 p.m., here in Council Chambers and electronically as necessary. Electronic attendance can be accessed via zoom and the meeting identification will be published prior to the meeting on the City's website."*

**Make sure no deliberation or decisions by the Commission are made while in the public hearing. This needs to take place during the regular session of the Planning Commission, under New Business, once the regular meeting is reconvened.**

**Once this is done the commission chair can close the public hearing. Please state the time for the record.**

*"I now close this public hearing at XX: XX p.m. and will open the regular meeting of the La Pine Planning Commission at XX:XX p.m."*

**Enter into new business in the regular meeting as indicated on the agenda.**

**Burden of Proof Statement**  
**City of La Pine**  
*Trailhead at Anchor Way Subdivision*

- Applicant:** ResidePNW, LLC  
Gary and Ryan Blake  
51439 Hemlock Rd.  
La Pine, OR 97739
- Owner:** Carver Development LLC  
92462 Hinton Road  
Maupin, OR 97037
- Engineer:** Ashley and Vance Engineering, Inc.  
Jack Mitchell  
33 NW Franklin Avenue, Suite 110  
Bend, OR 97703
- Planner:** Blackmore Planning and Development Services, LLC  
Greg Blackmore  
19454 Sunshine Way  
Bend, OR 97702
- Location:** The development site is located in the southern portion of La Pine. It is on the west side of Anchor Way and south of Finley Butte Road. The development site consists of 4 Tax Lots (800, 900, 1600 and 1700 on the Deschutes County Tax Assessors Map 221014CB) and the properties have been assigned the addresses of 51345, 51355, 51369, and 51385 Anchor Way.
- Request:** The applicant is requesting Tentative Plan Review to divide the development site into 22 lots, which are planned to be developed with a mix of detached single-family homes, ADUs, duplexes and a triplex.

**I. Applicable Criteria and Procedures:**

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1. City of La Pine Development Code

- ARTICLE 3 – ZONING DISTRICTS
  - Chapter 15.18 – Residential Zones
  - Chapter 15.22 – Commercial and Mixed-Use Zones
- ARTICLE 5 – DEVELOPMENT STANDARDS
  - Chapter 15.80 - Development Standards, Generally
  - Chapter 15.88 - Access and Circulation
  - Chapter 15.90 - Public Facilities



- Chapter 15.92 - Additional Standards or Land Divisions
- Chapter 15.94 - Improvement Procedures and Guarantees
- ARTICLE 7 - PROCEDURES
- ARTICLE 9 – LAND DIVISIONS
  - Chapter 15.402 - General Provisions
  - Chapter 15.406 - Subdivisions and Planned Unit Developments (PUD)
  - Chapter 15.418 - Processing an Recording Procedures

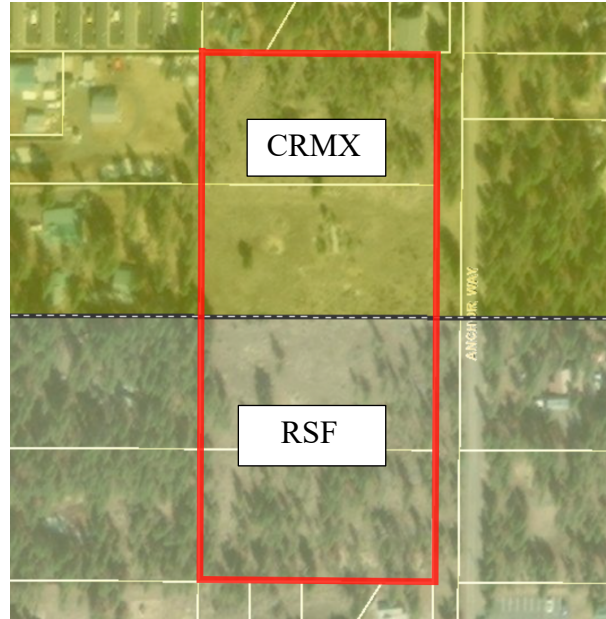
## II. General Facts:

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1. **LOCATION:** The development site is located in the southern portion of La Pine. It is on the west side of Anchor Way and south of Finley Butte Road. The development site consists of 4 Tax Lots (800, 900, 1600 and 1700 on the Deschutes County Tax Assessors Map 221014CB) and the properties have been assigned the addresses of 51345, 51355, 51369, and 51385 Anchor Way.



2. **ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:** The subject property has a split designation on both the Comprehensive Plan and Zoning Maps. The northern 2 tax lots are designated and zoned Commercial/Residential Mixed Use (CRMX) and the southern 2 tax lots are designated and zoned Residential Single Family (RSF) on both the La Pine Comprehensive Plan and Zoning maps.



**3. SITE DESCRIPTION AND SURROUNDING DEVELOPMENT:** The property is 4.51 acres in size and rectangular in shape. The site is relatively level, vacant and populated with native trees and brush. Anchor Way is located to the east of the property, which has varying widths of public access (via easements and/or right-of-way) and it is improved with gravel. The general area is provided with water and sewer, via mains located in Anchor Way. No pedestrian connections are developed on Anchor Way.

With the exception of a manufactured home park to the northwest, the surrounding CRMX zoned properties (northwest, north and northeast) are underdeveloped, with low density detached single-family homes. The adjacent RSF zoned lands are developed with urban density lots to the south, and vacant or underdeveloped residential uses to the east and west. Also a church is located to the southeast.

**4. PROPOSAL:** The applicant is requesting Tentative Plan Review to divide the development site into 22 lots, which are planned to be developed with a mix of detached single-family homes, ADUs, duplexes and a triplex.

**5. EXHIBITS:** In addition to this burden of proof statement, the applicant submits the following exhibits in support of this proposal:

- Application Form and Fee
- Ownership Deed
- Engineering Plans
  - Title Sheet
  - Existing Conditions and Demo Plan
  - Tentative Plat
  - Tentative Civil Site Plan

- Tentative Utility Plan
- Tentative Grading and Drainage Pan
- Civil Site Plan
- Title Report
- Traffic Report
- Neighborhood Contact Documentation
- Draft CC&Rs

### **III. Compliance with Standards of the Development Code:**

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#### **Sec. 15.18.100. Purpose.**

**Chapter 15.18 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 residential zones. The regulations of this chapter are intended to implement the City of La Pine Comprehensive Plan.**

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

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

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

**Applicant Response:** The property is split zoned; the southern portion of the property is zoned Residential Single Family (RSF). The property will provide land to deliver residential units, consistent with the provisions of this section.

#### **Sec. 15.18.300. Use regulations.**

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

**A. Permitted uses (P). Uses allowed outright in the residential zones are listed in Table 15.18-1 with a "P."**

**Applicant Response:** The applicant is proposing lots that are sized and designed to accommodate detached single family-homes, duplexes, a triplex, and/or accessory dwelling units. The uses that are planned are permitted, as identified in Table 15.18-1. The current development is for a land division, no new uses are proposed at this time. Uses will be reviewed with subsequent development / building permit application reviews.

**Sec. 15.18.400. Development standards.**

**A. Purpose.** The development standards for residential zones work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally ensure that new development will be compatible with the city's character. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

**B. Development standards.** The development standards for residential zones are presented in Table 15.18-2. Development standards may be modified as provided by chapter 15.320, variances. Additional standards may apply to specific zones or uses, see section 15.18.500. Footnotes in the table correspond to the sections below.

**1. Minimum density standard in the RSF zone only applies to subdivisions. Development on existing lots and partitions are exempt from this standard.**

**2. Accessory dwellings do not count toward the maximum density standard in the RSF zone.**

Standard	RSF	RMF
Minimum density	1 unit per acre (1)	5 units per acre
Maximum density	7 units per acre (2)	40 units per acre
Minimum lot size	None	None for single-family dwelling, cottage cluster development, duplex, or townhomes.

		Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the same property, provided that urban services are available to serve the development.
Minimum street frontage	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes
Minimum setbacks	—	—
- Front or street-side yard	20 feet	20 feet
- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
Maximum building height	45 feet	45 feet
Maximum lot coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum landscaped area	See chapter 15.82	

**Applicant Response:** The standards of this section that apply to land divisions include density, lot size, and street frontage. The other standards of this section apply to site development and thus will be reviewed with subsequent development / building permit applications. Regarding density, as documented on the plan set, the density of the RSF zoned land is proposed to be 6.6 units per acre, which is more than the 1 unit per acre minimum and less than the 7 unit per acre maximum density for the zone. Regarding lot size, the RSF zone does not have a minimum or maximum requirement. All lots in the RSF Zone are proposed to exceed 5,000 sq feet in size. The applicant has planned units for each of the lots and has thus determined that the lots are sufficiently sized to accommodate the unit types and locations that are shown on the Civil Site Plan. Regarding frontages, the lots are proposed on streets and/or knuckles (cul-de-sac design elements). All lots have frontages of at least 50 feet along the streets, and at least 35 feet abutting the knuckle (cul-de-sac) elements. All other applicable standards identified in the table above will be reviewed with future development. Based on the findings above, it can be found that all standards applicable to this tentative plan review request have been met.

**Sec. 15.18.500. Additional standards.**

**A. RSF zone. The following standards apply to all development in the RSF zone:**

- 1. No dwelling structures shall have visible, unclosable openings, which allow penetration of air, outside elements, or animals into the structure's interior, except for screened-in porches.**
- 2. All dwelling structures shall be placed on a basement foundation, concrete pad or piers, or other permanent foundation and secured, anchored, or tied down in accordance with the current International Building Code and all other applicable FHA requirements.**



**3. See article 5 for additional development standards.**

**Applicant Response:** The standards identified above will be reviewed with subsequent building permit / development applications and are not applicable to the current land division application.

**CHAPTER 15.22. - COMMERCIAL AND MIXED-USE ZONES**

**Sec. 15.22.100. - Purpose.**

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

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

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

**B. Commercial/Residential Mixed Use Zone (CRMX).** The CRMX zone is intended primarily as a smaller scale, service and office commercial district, with associated residential that may consist of upper level units. A live-work design concept within the mixed-use district serves as a buffer between the C zone and residential zones. Commercial uses are allowed in the zone but are limited in order to facilitate a mixed-use development pattern.

**Applicant Response:** The property is split zoned; the northern portion of the property is zoned Commercial/Residential Mixed Use Zone (CRMX). The property will provide land to deliver residential units, consistent with the provisions of this section.

**Sec. 15.22.300. - Use regulations.**

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

**A. Permitted uses (P).** Uses allowed outright in the commercial and mixed-use zones are listed in Table 15.22-1 with a "P." In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to [chapter 15.316](#), conditional uses....

**Applicant Response:** The applicant is proposing lots that are sized and designed to accommodate detached single-family homes, duplexes, a triplex, and/or accessory dwelling units. The uses that are planned are permitted as identified in Table 15.22-1. The current development is for a land division, no new uses are proposed. Uses will be reviewed with subsequent development application reviews.

**Sec. 15.22.400. - Development standards.**

**A. Purpose.** The development standards for commercial and mixed-use zones allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

**B. Development standards.** The development standards for commercial and mixed-use zones are presented in Table 15.22-2. Development standards may be modified as provided by [chapter 15.320](#), variances. Additional standards may apply to specific zones or uses, see [section 15.22.500](#).

<i>Table 15.22-2. Development Standards in the Commercial and Mixed-Use Zones</i>				
<i>Standard</i>	<i>C</i>	<i>CRMX</i>	<i>CMX</i>	<i>CN</i>
Minimum lot width	None	None	None	25 feet
Minimum setbacks	—	—	—	—
- Front or street-side yard	20 feet	20 feet	20 feet	20 feet
- Side yard	None	10 feet; None for townhomes	10 feet; None for townhomes	10 feet; None for townhomes
- Rear yard	None	10 feet	10 feet	15 feet
Maximum building height	70 feet	45 feet	45 feet	45 feet
Maximum lot coverage	80%	60%	60%	50%
Minimum landscaped area	See <a href="#">15.18.500</a> and <a href="#">chapter 15.82</a>			
Minimum and maximum density	Residential and mixed-use developments are subject to the minimum and maximum density standards of the RMF zone (see <a href="#">section 15.18.500</a> ).			

**Applicant Response:** The only standards of this section that apply to the land division are the lot width and density requirement. The other standards of this section apply to development and will be reviewed with subsequent building permit / development applications. Regarding density, as documented on the plan set, the density of the CRMX zoned land is proposed to be 8.8 units per acre, which is more than the 5 unit per acre minimum and less than the 40 unit per acres maximum density for the zone. Regarding lot size, the CRMX zone does not have a requirement. All lots in the CMRX Zone are proposed to be at least 4900 sq feet in size, which is sufficient to accommodate the unit types and locations that are shown on the Civil Site Plan, thus the lots are suitably sized. Regarding lot width, the CRMX Zone does not have a requirement. All other standards identified in the table above will be reviewed with future development / building permit applications. Based on the findings above, it can be found that all standards applicable to the tentative plan review request are met as proposed.

**Sec. 15.22.500. - Additional standards.**

**A. *Corner lot frontages.*** For commercial uses located on corner lots where one street is predominantly residential, and one street is predominantly commercial, any commercial structure shall front on the street that is predominantly commercial.

**Applicant Response:** The proposal creates lots for residential uses. No commercial uses are proposed; therefore this standard is not applicable.

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

**C. *Screening requirements.***

**1. *Outdoor activities.*** Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for "drive-in" type establishments offering goods or services to customers waiting in parked motor vehicles.

**2. *Outdoor storage.*** All areas of a site containing or proposed to contain outdoor storage of materials, equipment, and vehicles, and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or



combination of screening methods. See additional buffering and fence standards in [article 5](#).

**3. *Outdoor merchandise display.*** The outdoor display of merchandise for sale is not required to be screened from view, provided that all merchandise is located behind building setback lines unless otherwise approved by the city (e.g., to allow sidewalk sales).

**Applicant Response:** The standards of this section apply to development, and they primarily apply to commercial development. The current proposal is for the division of land, the current proposal does not include site development, and the site will ultimately be developed with residential uses; therefore these standards do not apply.

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

**Applicant Response:** Access locations are shown on the Civil Site Plan and the proposal is supported by a traffic report that has been prepared by Transight Consulting, LLC. As shown on the plan set, the access points will be from local roads, and primarily a new internal local road. No access points are proposed onto a highway or higher order street, and the traffic report documents that the proposed design will be safe, with the abutting transportation network providing adequate capacity for the new development. As proposed, the design conforms to these development standards.

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

**F. *Noise.*** All uses shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.

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

**Applicant Response:** The development is for the division of land, consistent with the Development Code standards. No new uses or structures are reviewed with this land division application, thus the proposal will not result in any emissions, noises or lighting.

The land division is planned to accommodate residential uses, including detached single-family homes, duplexes, a triplex, and/or ADUs. The uses that will ultimately be developed on the lots are similar to other uses in the area, and by conforming with Code standards (which will be reviewed with subsequent development / building permit applications) will not generate any emissions, noise or lighting that would be uncommon or unexpected with a permitted/allowed residential use.

**Chapter 15.80 - Development Standards, Generally**

**15.80.010 Purpose**

**Article 5 contains development and design standards for the built environment. The standards are intended to protect the public health, safety, and welfare through the provision of landscaping and buffering, parking and loading facilities, multimodal accessibility and interconnectivity, and adequate public facilities.**

**In interpreting and applying this title, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.**

**Applicant Response:** This section establishes the purpose of these General Development Standards. This section does not include any approval criteria or development standards to measure compliance with. Compliance with the standards of this section will ensure that the Purpose stated herein is implemented.

**15.80.020 Applicability**

**Any land division or development, and the improvements required therefore, shall be in compliance with the development, design and improvement standards and requirements set forth in this Article. Other provisions of this Code, other city ordinances, or state statutes or administrative rules may also apply.**

**Applicant Response:** The proposal includes a land division; therefore this section applies.

- 15.80.030 Exemption - Lot Size Requirements...**
- 15.80.040 Exemption - Yard or Setback Requirements...**
- 15.80.050 Supplementary Height Regulations...**
- 15.80.060 Restrictions on the Use of Metal Shipping Containers...**

**Applicant Response:** The proposed land division does not request an exception to lot size or setbacks, and no new structures are reviewed with the land division application; therefore these sections do not apply.

**Chapter 15.82 - Landscaping, Buffering and Fences**

**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...**

**Applicant Response:** The proposal includes a land division, but not a Site Plan review; therefore this section does not apply to the land division; instead compliance with this section will be reviewed with subsequent development / building permit applications.

## **Chapter 15.86 - Parking and Loading**

### **15.86.0101 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...**

**Applicant Response:** The proposal includes a land division, it does not establish a new uses; therefore this section does not apply to the land division, but instead will be reviewed with subsequent development applications.

## **Chapter 15.88 - Access and Circulation**

### **15.88.010 Purpose**

**Chapter 15.88 contains standards for vehicular and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating vehicle access to individual properties, as needed.**

**Applicant Response:** This section establishes the purpose of these Development Standards. This section does not include any approval criteria or development standards to measure compliance with. Compliance with the standards of this section will ensure that the Purpose stated herein is implemented.

### **15.88.020 Applicability**

**Chapter 15.88 applies to new development and changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the City supersede City standards, Chapter 15.88 applies to all connections to a street or highway, and to driveways and walkways.**

**Applicant Response:** The proposal includes a new internal street that will connect to an existing street (Anchor Way) at 2 points; therefore this section applies.

**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.

**Applicant Response:** This section establishes the purpose of these Development Standards. This section does not include any approval criteria or development standards to measure compliance with. Compliance with the standards of this section will ensure that the Purpose stated herein is implemented.

**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.

**Applicant Response:** All individual lot access permits will be secured prior to, or in association with Building Permit Review.

**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.

**Applicant Response:** The application is supported by a traffic report, which ensures consistency with these standards.

**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:...

**Applicant Response:** The proposal includes new local/local street intersections and all lot access will be taken from local streets. The proposal does not include any intersection with, or access to, an arterial or collector street; therefore this section does not apply.

**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.**

**Applicant Response:** The proposal includes new local/local street intersections and all lot access will be taken from local streets. Also, the design has been analyzed by a Traffic Engineer. The proposed design will not result in a significant number of new trips and with the planned improvements, the transportation system will have adequate capacity to accommodate the proposed development. The design does not warrant or necessitate any of the treatments detailed in this section.

**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.

**Applicant Response:** The proposal does not include an approach onto a state highway; this standard does not apply.

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

**Applicant Response:** To date, impacts to other agencies have not been identified for the roadway design or the future driveway access points. In the event that another agency is affected, the applicant will obtain needed approval prior to development.

**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.

**Applicant Response:** The proposal improves the right-of-way in Anchor Way along the property frontage and improves the right-of-way in the surrounding area to the maximum extent possible. No exceptions or adjustments are requested with this proposal.

**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.

**Applicant Response:** The joint use of a driveway by multiple properties is not proposed; this section does not apply.

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

**Applicant Response:** The proposal is for the division of land. The proposal does not include any new structures and the proposal will not result in the encroachment into any clear vision areas. Conformance with clear vision area standards will be further reviewed in association with development / building permit applications.

#### **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.

**Applicant Response:** This section establishes the purpose of these Development Standards. This section does not include any approval criteria or development standards to measure compliance with. Compliance with the standards of this section will ensure that the Purpose stated herein is implemented.

**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.

**Applicant Response:** As documented on the Plan Set, the proposed design includes the improvements in the right-of-way along the Anchor Way frontage and dedicates right-of-way amongst the property (for the new street) and makes improvements therein, to City standards, including the installation of sidewalks along all new lots. Furthermore, as documented on the Plan Set, the design extends the sidewalk system to the north and south to the maximum degree possible, including an extension to the north, to Finely Butte. The proposed sidewalk design is consistent with the adopted City Standards, along the property frontage.

**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:...

**Applicant Response:** The standards of this section apply to larger multi-family residential, commercial and other developments that require Site Plan Review. The uses that will occur on the subject lots will include detached single-family homes, duplexes, a triplex and/or ADUs, uses to which the standards of this section do not apply. Furthermore, with subsequent review, each of the dwelling units is planned with a pedestrian connection to the abutting sidewalks in the right-of-way. On-site pedestrian connections will be reviewed with subsequent development / building permit applications.

## **Chapter 15.90 Public Facilities**

### **15.90.010 Public Facilities Improvement**

**Minor betterment, improvements, replacement or reconstruction of existing public facilities such as sewer and water lines, storm water 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 ordinance, 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.**

**Applicant Response:** The proposal does not include public facility improvements outside of land use process; therefore this section does not apply.

#### **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.**

**Applicant Response:** As documented on the Plan Set, the applicant proposes to install all streets and public facilities that are needed to accommodate the proposed subdivision. The proposed improvements are planned in accordance with the applicable City requirements, thus in conformance with this standard.

- 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.**

**Applicant Response:** The surrounding area is served by existing water and sewer mains that are located with the Anchor Way right-of-way; the existing mains can be extended to serve the proposed development. The existing mains and proposed improvements thereto have or will have adequate capacity to accommodate the proposed land division, providing service to each lot. It is not anticipated that upgrades to the mains will be necessary or that over-sizing will be needed for this small land division.

- 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.**

**Applicant Response:** Anchor Way is an existing street that is improved within varying widths of easements and/or right-of-way for access. The proposed design will improve the right-of-way in Anchor Way abutting the subject property. The proposed design will bring the abutting right-of-way into conformance with City standards to the maximum extent possible (from centerline). The proposed improvements will taper and incorporate with the existing improvements in Anchor Way to the north and south in an efficient manner and consistent with City Standards. The proposed design conforms to the standards of this section.

- 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.**

**Applicant Response:** On Anchor Way, the proposal includes full pavement for travel lanes, along with a planter strip and sidewalks on the west side of the street. The design is considered a  $\frac{3}{4}$  street. Half-street improvements are not proposed; therefore this section does not apply.

#### **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.**

**Applicant Response:** As documented on the Plan Set, the applicant proposes to extend water and sewer mains and laterals to serve the development and each new lot. Water and sewer mains are located within the abutting Anchor Way right-of-way. Pursuant to this section, it is expected that permits will not be issued until the Public Works Director approves the improvement plans.

- 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.**

**Applicant Response:** At the pre-application meeting and through pre-submittal correspondence, the City has not raised any issues related to available capacity. Therefore, it can be found that the existing facilities have adequate capacity to accommodate the proposed land division, and that development permits will not be restricted or rationed due to water or sewer capacity issues.

#### **15.90.040 Stormwater.**

- 1. 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.**

2. **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.

**Applicant Response:** As documented on the Plan Set, the new street improvements are proposed to be constructed to City Standards, including needed drainage facilities. In regards to on-site improvements, the land division will not result in any new impervious areas that necessitate stormwater treatment. The applicant recognizes that future development will be required to meet the standards related to stormwater retention. The reviews for stormwater compliance will take place with either future development / building permit applications.

#### **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.

**Applicant Response:** The applicant has coordinated with all utility providers and has confirmation that they can serve the new lots. All new utilities are planned to be extended underground, in conformance with these standards.

- 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.**

**Applicant Response:** The applicant has coordinated with utility providers and plans to extend new services underground. The applicant understands that the City reserves the right to approve the location of any surface mounted facilities.

**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.**

**Applicant Response:** The proposal does not include an exception to providing new utilities underground; therefore this standard does not apply.

#### **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 Code.**

- 1. 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.**
- 2. 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.**
- 3. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time when no longer needed.**
- 4. 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 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.**
- 5. 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.**
- 6. The design, construction, operation, and maintenance of a tourist-oriented or public wayside.**

**Applicant Response:** This section establishes roadway improvements that occur outside of the review/permit process. The proposal includes new and improved roadways through the subdivision process. Furthermore, the proposal includes roads

and road improvements that will be constructed in conformance with City Standards. This section does not apply.

**15.90.070 Design of Streets and Other Public Facilities.**

- A. Traffic circulation system. The overall street system shall assure 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 there from 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.**

**Applicant Response:** As documented on the Plan Set, the proposed transportation system improvements have been designed in conformance with City Standards. Furthermore, the application is supported by a traffic report that was prepared by Joe Bessman at Transight Consulting LLC. The traffic report documents that the existing and planned infrastructure have adequate capacity for the proposed development and that the infrastructure will be safe and efficient.

- 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.**

**Applicant Response:** As documented on the Plan Set, the proposed subdivision has been designed to efficiently incorporate into the existing grid pattern. The proposed design improves Anchor Way to City Standards abutting the site and it includes effective and efficient connections thereto, along with a new internal street system. As designed, the proposal conforms to these standards.

- 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 10 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.**

**Applicant Response:** As designed, all streets extend to the property boundary, allowing direct access to all lots and the surrounding area. No additional access ways are necessary.

- 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.**

**Applicant Response:** The surrounding area is served with a linear street grid, wherein all lots have frontage. The proposal improves Anchor Way along the entirety of the frontage (to City Standards) and it includes an internal street; the proposed design provides access to all new lots. Given the proposed development, amongst the existing development pattern, additional street extensions/connections are not needed (or possible). The proposal conforms to the standards of this section.

- 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.**

**Applicant Response:** As documented on the Plan Set, the new internal street is

proposed in conformance with City Standards. Furthermore, right-of-way is proposed to be improved (to a ¾ street standard) along Anchor Way. Such a design provides City Standard travel lanes, along with on-street parking, drainage swales, and a sidewalk on the development side of the property. Sidewalks on the east side would occur with subsequent development on the neighboring properties to the east.

**Roadway Cross Section Standards**

Table 4-4 presents the dimensional standards for the five proposed functional classifications in La Pine.

**Table 4-4 Roadway Cross-Section Standards**

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

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

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

**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.**

**Applicant Response:** As shown on the Plan Set, the proposal includes 6 foot sidewalks along all abutting streets. Furthermore, through the project, the applicant has been able to coordinate with the property owner to the north, and through such coordination has found that the property owner to the north would be willing and able to provide an access easement across their property, so that a sidewalk can be extended north to Finely Butte Road. The property to the north is developed and there is not adequate width for a full 6 foot wide sidewalk, however instead of no sidewalk, a 4 foot wide sidewalk could be constructed within the existing right-of-way, in addition to a new foot wide public access easement that will be provided from the property owner to the north. While not a requirement of this project, the applicant through coordination with the abutting property owner and the City, would like to make this connection.

Furthermore, in addition to Code requirements, the applicant would like to extend a sidewalk south to the Carter Court emergency access point, within the existing right-of-

way. The noted connection may not be an asphalt sidewalk, but would be an improvement to the existing facility (which is no sidewalk). The proposed design meets this standard, in that it proposes a 6 foot wide sidewalk in the right-of-way abutting all of the new lots. Furthermore, the applicant will work with the City to make further extensions outside of this review. The overall proposal improves the surrounding area by providing a walkway from for the majority of Anchor Way, all the way north to Finely Butte.

The proposed design conforms to the standard of this section.

**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.**

**Applicant Response:** Bike lanes are not typically provided on local streets; bike lanes are not needed to accommodate the current proposal.

**H. Cul-de-sacs...**

**Applicant Response:** The design does not include any cul-de-sacs; therefore this section does not apply.

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

**Applicant Response:** The proposal does not abut, or contain an existing or proposed arterial streets; therefore this section does not apply.

**J. Streets adjacent to railroad right-of-way...**

**Applicant Response:** The property is not adjacent to a railroad right of way; therefore this section does not apply.

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

**future development as a standard, full street.**

**Applicant Response:** The property is not abutted by a reserve strip and no reserve strips are proposed; therefore this section does not apply.

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

**Applicant Response:** Anchor Way is an existing street and there are no streets to the east, to which the new street could be aligned.

**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.

**Applicant Response:** The proposal includes 2 new intersections with Anchor Way. Both the new intersections are at right angles, which conform to the requirements of this standard.

**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.

**Applicant Response:** The development includes lots that abut local streets. As shown on the plan, the curves are proposed to be 90 degree curves with radii of not less than 100 feet. The proposed design conforms to the standards of this section.

**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.



**Applicant Response:** The site is relatively level and all new street grades will be less than 12 percent, in conformance with the standards of this section,

**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.

**Applicant Response:** The proposal includes a new internal street. The name has not been finalized, but will be prior to final plat. The applicant plans to work with the Deschutes County street name coordinator to ensure that the street name is not duplicative of another street in the area, or a name that could be confused with another street.

**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.

**Applicant Response:** The applicant proposes to install new street name signs at the intersections of the new street with Anchor Way, as required by this section. Signs will be installed when the new streets are established.

**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.

**Applicant Response:** In the event traffic control signs are needed through the development phase of the project, they would be provided and installed as required by this section.

**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.

**Applicant Response:** The development is proposed in an area with an established street grid. New or improved local streets will be provided to serve the new lots in a manner that allows for access to off-street parking. Therefore, alleys are not required as part of this subdivision.

**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.**

**Applicant Response:** New pavement is proposed on Anchor Way and new streets (and pavement) are proposed internally. The design has been coordinated with the City Engineer through pre-submittal correspondence and it does not include curbs. Pursuant to the provisions of this section, the design can be approved as proposed (without curbs).

**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 (1) fixture and be located at the intersection of streets.**

**Applicant Response:** Street lights do not exist in this area of La Pine and it is not expected that the City will require street lights with this development.

**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.**

**Applicant Response:** The applicant has coordinated with all utility providers and has confirmation that they can serve the new lots. All new utilities are planned to be extended underground, in conformance with these standards.

**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.**

**Applicant Response:** As documented on the Plan Set, the new street improvements are proposed to be constructed to City Standards, including needed drainage facilities. In regards to on-site improvements, the land division will not result in any new impervious areas that necessitate stormwater treatment. The applicant recognizes that future development will be required to meet the standards related to stormwater retention. The reviews for stormwater compliance will take place with future development / building permit applications.

**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.**

**Applicant Response:** Neither private streets nor gates are proposed. This section does not apply.

#### **15.90.080 Traffic Impact Analysis**

**A. Purpose. The purpose of this subsection is 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 10 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.

**Applicant Response:** Based on the limited number of trips that are generated by the land division, a TIA is not required to accompany the application. However, Transight Consulting LLC has prepared a traffic report documenting that the proposed development will be safe and efficient, and it can be accommodated by the existing and

proposed improvements.

**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.**

**Applicant Response:** Based on the limited number of trips that are generated by the proposed land division, a TIA should not be required to accompany the application.

**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 (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...**

**Applicant Response:** Waiver or deferment is not proposed at this time. These provisions do not apply.

**Chapter 15.92 Additional Standards for Land Divisions**

**15.92.010 Lots and Blocks.**

- A. Blocks. The resulting or proposed length, width and shape of blocks shall take into account the requirements for adequate building lot sizes, street widths, access needs and topographical limitations.**
  - 1. No block shall be more than 660 feet in length between street corner lines with a maximum 1,400-foot perimeter unless it is adjacent to an arterial street, or unless topography or the location of adjoining streets justifies an exception, and is so approved by the reviewing authority.**

**Applicant Response:** The development site is in an area with a street grid that exceeds the block length and perimeter standards of this section. As documented on the Plan Set, the deign creates a new block that has a length of 406 feet and a perimeter of 1,188 feet. The new block conforms to the requirements of this section. Regarding connectivity to the broader area, the existing development pattern in the area does not provide opportunities for additional street connections between Anchor Way and Preeble Way to the west. The newly created block conforms to the standards of this section and the proposal improves connectivity to the surrounding area; therefore the proposal conforms to the standards of this section to the maximum extent possible.

- 2. The recommended minimum length of a block along an arterial street is 1,260 feet.**

**Applicant Response:** The property is not located along an arterial street; therefore this standard does not apply.

- 3. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception; a standard exception is a block in which the building lots have rear yards fronting on an arterial or collector street.**

**Applicant Response:** The property is abutted by Anchor Way to the east and larger lots to the west. The proposal includes one new block, however the property width is not large enough to allow for 2 tiers of lots for the new internal block. Nonetheless, the western perimeter lots abut a property to the west, effectively creating 2 tiers of lots on the western portion of the site / outer block.

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

**Applicant Response:** A comprehensive review of the lot size requirements was addressed above. As detailed in that section, the proposal complies with the applicable lot size, width, shape and orientation provisions; therefore the proposal complies with this standard.

- C. Access. Each resulting or proposed lot or parcel shall abut upon a public street, other than an alley, for a width of at least 50 feet except as otherwise provided for in this Code (e.g., for townhomes). For lots fronting on a curvilinear street or cul-de-sac, the City may approve a reduced width, but in no case shall a width of less than 35 feet be approved.**

**Applicant Response:** Regarding frontages, the lots are proposed on streets and knuckles (or cul-de-sac design elements) at the corners. All lots have frontages of at least 50 feet along the streets, and at least 35 feet abutting the knuckle (cul-de-sac) elements. As proposed, the design conforms to the standards of this section.

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

**Applicant Response:** As documented on the Plan Set, all side lot lines are at right angles, thus in conformance with the standards of this section.

- E. Division by boundary, ROW and drainage ways. No lot or parcel shall**

be divided by the boundary line of the city, county or other taxing or service district, or by the right-of-way of a street, utility line or drainage way, or by an easement for utilities or other services, except as approved otherwise.

**Applicant Response:** As shown on the Tentative Plan, no lot will be divided by one of the noted boundaries.

**F. *Grading, cutting and filling of building lots or sites.*** Grading, cutting and filling of building lots or sites shall conform to the following standards unless physical conditions warrant other standards as demonstrated by a licensed engineer or geologist, and that the documentation justifying such other standards shall be set forth in writing thereby:

1. Lot elevations may not be altered to more than an average of three feet from the natural pre-existing grade or contour unless approved otherwise by the city.
2. Cut slopes shall not exceed one foot vertically to 1½ feet horizontally.
3. Fill slopes shall not exceed one foot vertically to two feet horizontally.

**Applicant Response:** The applicant proposes to prepare the site in accordance with the standards of this section.

4. Where grading, cutting or filling is proposed or necessary in excess of the foregoing standards, a site investigation by a registered geologist or engineer shall be prepared and submitted to the city as a part of the tentative plan application...

**Applicant Response:** The applicant does not propose grading, cutting, or fill in excess of the standards of the above noted sections; therefore this section does not apply.

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

the line of building sites abutting such a traffic way or other incompatible uses.

**Applicant Response:** The proposal results in 4 double frontage lots, which are necessary, do to the property dimensions, the Anchor Way street location, and the existing development pattern in the area. Providing efficient development and a functional transportation system throughout the development site would not be possible without the double frontage lots, as proposed. Furthermore, the applicant is proposing a common amenity, which for all except Lot 18, will effectively remove the western frontage of lots 19-21. Given the minor number of double frontage lots and the fact that no negative impacts will be created from the double frontage lots (as proposed), additional mitigating measure allowed (but not required) by this section are not expected to be imposed.

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

**Applicant Response:** No additional setbacks apply to the subject property; therefore this standard does not apply,

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

**Applicant Response:** Large building lots are not proposed; therefore it is not anticipated that the City will require added site restrictions.

#### **15.92.020 Easements**

- A. Utility lines. Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 10 feet wide and centered on a rear and/or side lot line unless approved otherwise by the City. Utility pole tie-back easements may be reduced to 5 feet in width.**

**Applicant Response:** If easements are needed, the applicant can/will provide easements in accordance with this section.

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

**drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further widths as deemed necessary.**

**Applicant Response:** The property is not traversed by a water course; therefore an easement for the purposes identified in this section is not applicable

- C. Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian and/or bicycle way of not less than 10 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation. Improvement of the easement with a minimum 5- foot wide paved or other suitable surface will be required.**

**Applicant Response:** The surrounding area is developed with a local street network that will be improved and expanded with the proposed development (including new on-site and off-site sidewalks). The proposed sidewalks and streets can and will adequately accommodate pedestrian and bicyclists. Above and beyond the facilities that are existing and proposed, additional facilities are not needed or appropriate for this request.

- D. Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the City Public Works Department and/or Water and Sewer District.**

**Applicant Response:** Existing water and sewer mains are located within the abutting Anchor Way right-of-way and/or easements and all new mains will be located within dedicated right-of-way. As documented on the Plan Set, individual service lines are planned to be extended to each of the new lots directly from the adjacent mains. It is not anticipated that water or sewer lines will need to cross any parcels; therefore it is not anticipated that additional easements, noted in this section, will be necessary.

#### **15.92.030 Land for Public Purposes**

- A. If the City has an interest in acquiring a portion of a proposed development for a public purpose, it shall notify the property owner as soon as the City Council authorizes the transaction to proceed.**
- B. Within a development, or adjacent to a development in contiguous property owned by the developer, a parcel of land of not more than 5% of the gross area of the development may be required to be set aside and dedicated to the public for parks and recreation purposes by the developer. The parcel of land, if required, shall be determined**



to be suitable for the park and/or recreation purpose(s) intended, and the city may require the development of the land for the park or recreation use intended or identified as a need within the community.

- C. In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.
- D. If there is a systems development charge in effect for parks, the foregoing land and development or money dedication (if required) may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency in accordance with the applicable provisions of the system development charge ordinance. If the collecting agency will not permit the land or money dedication in lieu of an applicable systems development charge, then the land and development or money dedication shall not be required.
- E. If the nature and design, or approval, of a development is such that over 30% of the tract of land to be developed is dedicated to public uses such as streets, water or sewer system facilities and the like, then the requirements of this subsection shall be reduced so that the total obligation of the developer to the public does not exceed 30%.

**Applicant Response:** To date, the applicant has not been informed of the need for public land. The applicant does not anticipate that the provisions of this section will be necessary. Also, it is noted that a private park area is proposed, which will be located in easements on the individual lots (19-21).

## **Chapter 15.94 - Improvement Procedures and Guarantees**

### **15.94.010 Improvement Procedures**

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

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

- 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.
- 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.
- 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.
- 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.
- 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.

**Applicant Response:** The proposal includes the extension of sewer and water mains and laterals. The applicant will follow the provisions of this section to the extent necessary and applicable for all improvements that are made within rights-of-way and/or to a public facility.

**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.

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

**Applicant Response:** The proposal includes street, water and sewer improvements.

All improvements will be reviewed and approved prior to installation. The applicant plans to comply with the provisions of this section, to the extent applicable.

**15.94.030 Building and Occupancy Permits...**

**Applicant Response:** The proposal includes a land division, but no new structural development. The proposal does not necessitate a Building Permit in association with the land division application; therefore, the provisions of this section do not apply.

**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% 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.**

**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.**

**Applicant Response:** All public improvements will be designed and installed to City standards and specification. The applicant understands the applicable requirements and agrees to adhere to the contracted service requirement if deemed necessary and reasonable.

**IV. Compliance with the Procedures - Article 7:**

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**15.202.0010 Purpose and Applicability**

- A. Purpose.** The purpose of this chapter is to establish decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 15.202-1 provides a key for determining the review procedure and the decision-making body for particular applications.

**Applicant Response:** This section addresses the procedures that will be utilized in the

review of this application packet. These procedures do not include any development standards or approval criteria that the applicant needs to document conformance with, instead this sections details how the application is to be reviewed by the City. The majority of the provisions of this Article direct City Staff, however there are a few sections that identify applicant required procedural provisions. The applicant anticipates that the applicable procedures of this section will be followed by City Staff. The procedures that are requirements of the applicant (and those which could use further analysis), are addressed below.

**B. Applicability of Review Procedures. All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this article as modified by any applicable application-specific procedures identified in Articles 8 and 9. The procedure “type” assigned to each application governs the decision-making process for that application. There are four types of review procedures as described in subsections 1-4 below. Table 15.202-1 lists the City’s land use and development applications and corresponding review procedure(s)...**

**3. Type III procedure (quasi-judicial review - public hearing). Type III decisions are made by the planning commission after a public hearing, with an opportunity for appeal to the city council except for decisions on all quasi-judicial comprehensive plan amendments and zone changes which must be adopted by the city council before becoming effective. Quasi-judicial decisions involve discretion but implement established policy. They involve the application of existing law or policy to a specific factual situation.**

**Applicant Response:** The proposal is a Subdivision. Based upon Table 15.202-1, the applicant anticipates that the application will be reviewed via the Type III procedure.

**15.202.020 Time Limit and Consolidated Review.**

**C. Consolidated Review of Applications. When an applicant applies for more than one type of application for the same one or more contiguous parcels of land, the proceedings shall be consolidated for review and decision. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.**

**Applicant Response:** The applicant has submitted a Subdivision application only; therefore, there is no need to consolidate applications.

**15.202.040 Pre-application conference**

- A. A pre-application conference is encouraged for complex applications or for applicants who are unfamiliar with the land use process and is required for all Type III applications. The purpose of the conference shall be to acquaint the applicant with the substantive and procedural requirements of the applicable land use codes, to provide for an exchange of information regarding applicable requirements of the comprehensive plan, zoning code or land division code and to identify issues likely to arise in processing an application. The applicable zoning code may require that a pre-application conference be held for particular types of applications.**
- B. Required pre-application conferences must be held no more than one year prior to the submittal of a Type III land use application. Requests for pre-application conferences shall be made on a form provided by the City.**

**Applicant Response:** The application is not complex and the applicant has experience with land divisions such as this. Furthermore, the applicant coordinated with City Staff and held a pre-application conference prior to submittal.

**Sec. 15.202.050. - Neighborhood contact.**

- A. Purpose and applicability.* Unless waived by the city planning official, applicants for master plans, subdivisions with more than ten lots, major variances and property owner-initiated for zone changes are required to contact neighboring property owners and offer to hold a meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the city, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.**
- B. Notice.* Notice of the meeting must be given in writing to all property owners whose property is located within 100 feet of the site, at their addresses of record at the Deschutes County Assessor's office, at least 14 days before the meeting and at least 21 days before submitting the application to the city. The notice must state the time, place, and purpose of the meeting, including a description of the proposed development.**
- C. Meeting place, date, and time.* The meeting must be held within the city limits at a location obtained or provided by the applicant with sufficient room for the expected attendance. The meeting place must be accessible to persons with disabilities. It must be scheduled at a date and time reasonably calculated to allow maximum participation by interested property owners.**

**D. Conduct of meeting.** At the meeting, the applicant, or the applicant's agent, must present sufficient information about the proposed development to inform the property owners in attendance of the nature of the proposal and impacts it may have on neighboring properties, including transportation impacts. Persons attending must be allowed to ask questions and make comments. The applicant, or the applicant's agent, shall complete a form prescribed by the city to certify the occurrence of the meeting.

**E. Filing requirements.** The meeting certification form, even if no affected property owners attend, is required and must be submitted to the city with a land use application for the application to be deemed complete. Copies of the following information must accompany the meeting certification form: a copy of the notice mailed, all addresses for which notice was mailed (e.g., copy of mailing labels), and copies of all other written materials provided prior to or distributed at the meeting.

**Applicant Response:** As documented in the record, the applicant noticed and held a "Neighborhood Contact" meeting as prescribed in the above provisions.

## **V. Compliance with Approval Criteria – Title 9**

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### **Chapter 15.402 - General Provisions**

#### **15.402.010 Purpose**

It is the purpose of this Article 9, in accordance with the provisions of ORS Chapters 92 and 227, to provide for minimum standards governing the approval of land divisions, including subdivisions and land partitions, as necessary to carry out the needs and policies for adequate traffic movement, water supply, sewage disposal, drainage and other community facilities, to improve land records and boundary monumentation and to ensure equitable processing of subdivision, partitioning and other land division activities within the city and the surrounding urban area.

**Applicant Response:** This section establishes the purpose of these Approval Criteria. This section does not include any approval criteria or development standards to measure compliance with. Compliance with the standards of this section will ensure that the Purpose is implemented.

#### **15.402.020 Applicability**

No person may subdivide, partition or otherwise divide land, or create a planned unit or cluster development, or create a street for the purpose of developing land except in accordance with the provisions of this Article 9, this chapter and ORS Chapters 92.012 and 277.100.

**Applicant Response:** The proposal includes a subdivision; therefore compliance with

Article 9 is necessary.

## CHAPTER 15.406. - SUBDIVISIONS AND PLANNED UNIT DEVELOPMENTS (PUD)

### Sec. 15.406.010. - Subdivision applications.

**A. *Application.*** Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the city. The application shall be accompanied with either an outline development plan as provided for in division [subsection] B of this section, or a tentative plan as set forth in division [subsection] C of this section, together with improvement plans and other supplementary material as may be required, and the materials required for the applicable review type as specified in [article 7](#). The number of copies required shall be as specified on the application form. The date of filing shall be construed to be the date on which all of the foregoing materials are received and accepted by the appropriate city official.

**Applicant Response:** The proposal is for a subdivision and the submittal packet includes all of the items identified in this section.

**B. *Outline development plan.*** The submittal of an outline development plan in the subdivision application process is at the option of the applicant and/or developer. If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth below...

**Applicant Response:** This section addresses an *optional* submittal item; thus these submittal items are not required and not relevant.

**C. *Tentative plan required.*** Following or in conjunction with submittal and approval of an outline development plan and subdivision application, or as an initial subdivision application, any person proposing a subdivision shall submit a tentative plan together with the accompanying information and supplemental data, prepared and submitted in accordance with the provisions of this section and materials required for a Type III review as specified in [article 7](#). (ORS 92.040). Note: Applicants should review the design standards set forth in [article 5](#) prior to preparing a tentative plan for a development.

**1. *Scale of tentative plan.*** The tentative plan of a proposed subdivision shall be drawn on a sheet 18 [inches] by 24 inches in size or multiples thereof at a scale of one inch equals 100 feet or multiples thereof as approved by the planning official. (ORS 92.080). In addition, at least one copy of the plan on a sheet of paper



measuring 8½ inches by 11 inches or 11 inches by 17 inches shall be provided for public notice requirements.

**2. *Information requirements.*** The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan submittal shall be considered complete unless all such information is provided, unless approved otherwise by the planning official.

**a. *General information required.***

(1) Proposed name of the subdivision.

(2) Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, and surveyor and any assumed business names filed or to be filed by the owner or subdivider in connection with the development.

(3) Date of preparation, north point, scale and gross area of the development.

(4) Identification of the drawing as a tentative plan for a subdivision.

(5) Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

**b. *Information concerning existing conditions.***

(1) Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed development.

(2) Location of any existing features such as section lines, section corners, city and special district boundaries and survey monuments.

(3) Location of existing structures, fences, irrigation canals and ditches, pipelines, waterways, railroads and natural features, such as rock outcroppings, marshes, wetlands, geological features and natural hazards.

**(4). Location and direction of water courses, and the location of areas subject to erosion, high water tables, and stormwater runoff and flooding.**

**(5) Location, width and use or purpose of any existing easements or rights-of-way within and adjacent to the proposed development.**

**(6) Existing and proposed sewer lines, water mains, culverts and underground or overhead utilities within and adjacent to the proposed development, together with pipe sizes, grades and locations.**

**(7) Contour lines related to some established benchmark or other acceptable datum and having minimum intervals of not more than 20 feet.**

***c. Information concerning proposed subdivision.***

**(1) Location, names, width, typical improvements, cross-sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.**

**(2) Location, width and purpose of all proposed easements or rights-of-way, and the relationship to all existing easements or rights-of-way.**

**(3) Location of at least one temporary benchmark within the proposed subdivision boundary.**

**(4) Location, approximate area and dimensions of each lot and proposed lot and block numbers.**

**(5) Location, approximate area and dimensions of any lot or area proposed for public, community or common use, including park or other recreation areas, and the use proposed and plans for improvements or development thereof.**

**(6) Proposed use, location, area and dimensions of any lot which is intended for nonresidential use and the use designated thereof.**

(7) An outline of the area proposed for partial recording on a final plat if phased development and recording is contemplated or proposed.

(8) Source, method and preliminary plans for domestic water supply, sewage disposal, solid waste collection and disposal and all utilities.

(9) Stormwater and other drainage plans.

**Applicant Response:** The proposal includes a Tentative Plan. The plan set includes all of the items required by this section that are needed for review.

**D. Master development plan required.** An overall master development plan shall be submitted for all developments planning to utilize phase or unit development. The plan shall include, but not be limited to, the following elements:...

**Applicant Response:** The proposal does not include a phased development or planned unit development; therefore this section does not apply.

**E. Supplemental information required.** The following supplemental information shall be submitted with the tentative plan for a subdivision:

1. Proposed deed restrictions or protective covenants, if such are proposed to be utilized for the proposed development.
2. Reasons and justifications for any variances or exceptions proposed or requested to the provisions of this subchapter [section], the applicable zoning regulations or any other applicable local, state or federal ordinance, rule or regulation.

**Applicant Response:** Draft CC&Rs are included in the submittal packet and no variances or exceptions are proposed; therefore the submittal packet conforms to these submittal requirements.

**F. Tentative plan review procedures.**

1. Tentative plan review shall follow the Type III review procedures in [article 7](#).
2. The decision on a tentative plat shall be set forth in a written decision, and in the case of approval shall be noted on not less than two copies of the tentative plan, including references to any attached documents setting forth specific conditions.

**Applicant Response:** The applicant anticipates that the City will review the application in accordance with the procedures of this section.

**G. *Tentative approval relative to final plan.*** Approval of the tentative plan shall not constitute final acceptance of the final plat of the proposed subdivision for recording. However, approval of the tentative plan shall be binding upon the city for preparation of the final plat and the city may require only such changes as are deemed necessary for compliance with the terms of its approval of the tentative plan.

**Applicant Response:** The applicant understands this informational provision and anticipates that the subdivision will be reviewed accordingly.

**H. *Resubmission of denied tentative plan.*** Resubmittal shall be considered a new filing, but shall require the applicant to consider all items for which the prior denial was based, in addition to the other filing requirements set forth by this chapter.

**Applicant Response:** As detailed throughout this narrative and upon the supporting materials, the proposal complies with all applicable approval criteria and development standards. Therefore, the applicant does not anticipate a denial. The applicant understand that in the event of a denial, this provision would apply.

**I. *Requirements for approval.*** An outline development plan or a tentative plan for a subdivision shall not be approved unless it is found, in addition to other requirements and standards set forth by this chapter and other applicable City of La Pine ordinances, standards and regulations, that the following requirements have been met:

1. The proposed development is consistent with applicable density and development standards set forth of the applicable zone in [article 3](#). All lots conform to the applicable lot standards of the zoning district, including density, lot area, dimensions, setbacks, and coverage.

**Applicant Response:** A comprehensive review of the applicable standards of article 3 was included above. As detailed above the proposal complies with the applicable standards of article 3; therefore the proposal complies with this approval criterion.

2. The proposal is in compliance with any applicable overlay zone regulations in [article 4](#).

**Applicant Response:** The property is not situated in an overlay zone; therefore article 4 does not apply.

**3. The proposal is in compliance with the design and improvement standards and requirements set forth in [article 5](#), or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.**

**Applicant Response:** A comprehensive review of the applicable standards of article 5 was included above. As detailed above the proposal complies with the applicable standards of article 5; therefore the proposal complies with this approval criterion.

**4. The applicant has demonstrated that adequate public facilities are available or can be made available at the time of development, and, if necessary, that the developer has proposed adequate and equitable improvements and expansions to the facilities to bring the facilities and services up to an acceptable capacity level.**

**Applicant Response:** The surrounding area is served by existing water and sewer mains that are located with the Anchor Way right-of-way, which can be extended to serve the proposed development. The existing mains and proposed improvements have or will have adequate capacity to accommodate the proposed land division. It is not anticipated that upgrades to the existing mains will be necessary or that over-sizing will be needed for this small land division.

Anchor Way is an existing street that is improved within varying widths of easements and/or right-of-way. The proposed design will improve the right-of-way in Anchor Way abutting the subject property. The proposed design will bring the abutting right-of-way into conformance with City standards to the maximum extent possible. The proposed improvements will then taper and incorporate with the existing improvements in Anchor Way in an efficient manner and consistent with City Standards. The proposed design conforms to the standards of this section. Furthermore, the proposal includes a new internal street that will be constructed in conformance with City Standards. A Traffic Engineer has reviewed the proposal and has reported that with the proposed design, adequate capacity will be provided.

Overall, as detailed in this section and noted throughout this narrative, adequate public facilities are available and/or can be made available at the time of development. Furthermore, that the developer has proposed adequate and equitable improvements and expansions to the facilities to bring the facilities and services up to an acceptable capacity level; therefore the proposal complies with this approval criterion.

**5. The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this Development Code and the comprehensive plan.**

**Applicant Response:** The site does not contain any adopted scenic, archeological, natural, historic or unique resources. Therefore additional preservation, as contemplated by this criterion, does not apply.

**6. The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a six-mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (ORS 92.090)**

**Applicant Response:** The applicant plans to work with the City and County Surveyor to ensure that the final subdivision name conforms to this criterion along with Deschutes County and State required naming conventions/requirements. The applicant anticipates that a condition of approval will be added to ensure compliance with this criterion.

**7. The streets and roads are laid out so as to conform to an adopted transportation system plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.**

**Applicant Response:** The proposed design integrates into the existing road grid (on Anchor Way) in a safe and efficient manner, consistent with Development Code requirements and the adopted Transportation System Plan. Furthermore, the surrounding area (north, south, east and west) does not have any other approved or anticipated subdivisions or partitions, to which the street grid could potentially align. The proposal provides a safe and efficient road system that will have adequate capacity and therefore complies with this criterion to the extent applicable.

**8. Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.**

**Applicant Response:** The applicant plans to dedicate the new road on the final plat. The right-of-way dedication will be to the public without any reservation or restriction. The proposal conforms to this approval criterion.

**9. Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.**

**Applicant Response:** No adverse impacts have been identified on neighboring properties or on the natural environment; therefore mitigation measures are not necessary.

**10. Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.**

**Applicant Response:** All surrounding properties have access via dedicated right-of-way and/or easements. The proposal will improve the right-of-way in Anchor Way (bringing the street into conformance with City Standards). The proposed right-of-way dedications and planned improvements will continue to provide and improve access for abutting properties, consistent with this criterion,

**State Law reference— Approval of subdivision or partition application, ORS 92.040; requirements for plat preparation, ORS 92.080; approval of name of plat, ORS 92.090.**

**Applicant Response:** The development team includes a qualified and licensed Surveyor, who can and will prepare the plat in accordance with the referenced sections of ORS 92, along with City and County Platting provisions.

**Sec. 15.406.020. - Final plat for a subdivision...**

**Applicant Response:** The current application is for a subdivision – Tentative Plan. If approved, the applicant would need to file a final plat application. With the Final Plat Application, the provisions of this section will be reviewed; however the provisions of this section do not apply to the current application.

**15.418.010 Processing and Recording Subdivision and Partition Maps**

- A. Submit one reproducible paper, vellum or mylar map copy to the County Surveyor.**
- B. Submit closure sheets for the surveyor's certificate and a closure sheet for each lot or parcel created, and a closure sheet for dedicated areas such as roadways or public facility lots.**
- C. Submit the required County Surveyor review fee as appropriate for the subdivision or partition.**
- D. Submit a title report for the subdivision.**
- E. Submit a post-monumentation certificate stating the intent and completion date and a bonding estimate for all subdivision plats proposed for post-monumentation. The bonding estimate is to be 120% of the estimated actual costs, office and field.**
- F. After preliminary initial review of the plat, resubmit the final plat prepared on double matte four mil minimum thickness mylar, with corrections made, to the County Surveyor for final approval and**

signature.

- G. Remaining approval signatures shall then be executed and the final maps and an exact copy thereof submitted to the County Surveyor for recording into the survey records prior to submittal to the County Clerk for recording. The exact copy shall comply with the requirements of ORS Ch. 92 and other applicable statutes and be submitted on four mil thickness mylar.**
- H. The County Surveyor recording fee shall be submitted with the final plat along with any required post- monumentation bond or letter executed by the City Attorney that the bonding requirements are met.**
- I. The plat shall then be submitted to the County Clerk along with the required recording fee. After recording information is placed on the exact copy by the County Clerk, the exact copy and the required number of prints showing the recording information shall be submitted to the County Surveyor to complete the process. The number of prints required shall be twelve for a subdivision plat and six prints for a partition unless a greater number is requested by the County Surveyor at initial review.**
- J. Copies of the exact copy of the final plat showing the recording information shall also be submitted to the City Planning Official, together with an electronic copy in a format approved by the City. The scale and format of the plans and the number of copies required shall be as specified on the application form.**

**Applicant Response:** Subsequent to Tentative Plan Approval, the applicant plans to follow these final map requirements.

## **VI. Summary and Conclusion:**

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Based on the discussion above, as well as the exhibits included with this application, the Applicant has documented that the Subdivision request meets the applicable approval criteria for a Subdivision. Because the proposal conforms to all applicable criteria and standards, the applicant respectfully requests that the City approve the Subdivision as proposed.



**AFTER RECORDING RETURN TO:**

RESIDEPNW, LLC  
51439 HEMLOCK RD.  
LA PINE, OR 97739

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR TRAILHEAD SUBDIVISION**

This Declaration of Covenants, Conditions and Restrictions is made this \_\_\_\_ day of XXX, 2022 by RESIDEPNW, LLC, an Oregon limited liability company, the declarant, and hereinafter referred to as "Declarant", as Owner the Lots within the real property in the County of Deschutes, State of Oregon, described in Exhibit "A" attached hereto and incorporated herein by reference.

The property described on Exhibit "A" is hereby made subject to these Covenants, Conditions and Restrictions and will be known as and hereinafter referred to as Trailhead.

**Section 1. DEFINITIONS**

1.1 Declarant: The term "Declarant" shall mean ResidePNW, LLC, an Oregon limited liability company, or its assigns or successors in interest.

1.2 Declaration: The term "Declaration" shall mean this Amended and Restated Declaration of Covenants, Conditions and Restrictions for Trailhead.

1.3 Homesite: "Homesite" shall mean a Lot as defined herein.

1.4 Improvements: The term "improvements" shall include, but not be limited to, any buildings, outbuildings, landscaping, private roads, rights of way, driveways, parking areas, fencing, barriers, retaining walls, windbreaks, signs, storage areas, propane tanks, solar panels, satellite dishes, above ground pools and all other structures.

1.5 Lot: The term "Lot" shall mean each Lot described on a subdivision plat or

partition map and to any alteration thereof as may be made by a valid Lot line adjustment or other authorized land use or zoning procedure.

1.6 Owner: "Owner" shall mean and refer to either all holders of fee title to any Lot, or any other person or persons entitled to possession of the Lot pursuant to a contract or lease.

1.7 Trailhead: The term "Trailhead" shall mean all of the real property now or hereafter made subject to this Declaration.

1.8 Streets: The term "streets" shall mean any cul-de-sac, street, highway or other thoroughfare within or adjacent to Trailhead and shown on any recorded subdivision or partition map, or survey map of record, whether designated thereon as street, boulevard, place, drive, road, terrace, way, land, circle or otherwise.

## **Section 2. PROPERTY SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS FOR TRAILHEAD**

2.1 General Declaration Creating Trailhead: Declarant hereby declares that all of the real property located in Deschutes County, Oregon, described in Exhibit "A" is and shall be hypothecated, encumbered, leased, occupied, built upon or otherwise used, improved or transferred in whole or in part subject to this Declaration. All of said Restrictions are declared and established with the purpose of protecting the desirability and attractiveness of said real property and every part thereof. All of the Covenants, Conditions and Restrictions of Trailhead run with all of said real property for all purposes and shall be binding upon and inure to the benefit of Declarant and all Owners and their successors in interest as set forth in this Declaration.

## **Section 3. ARCHITECTURAL CONTROLS**

3.1 Procedure. Any Owner proposing to construct any improvements within Trailhead (including any exterior alteration, addition, destruction or modification to any such improvements) shall follow the procedures and shall be subject to the approvals required by this Section 3. Failure to follow such procedures or obtain such approvals as required herein shall be deemed a violation of this Declaration and subject to enforcement.

3.2 Required Documents. Any Owner proposing to utilize, improve or develop real property within Trailhead shall submit the following items for review:

(a) A professionally prepared site plan showing the location, size, configuration and layout of any building, structure, or improvement (or, where applicable, any alteration, addition or modification thereto or destruction thereof) including appurtenant facilities for parking and storage.

(b) Professionally prepared plans and drawings showing the nature, style and

dimensions of any building, structure, wall, barrier (or, where applicable, any alteration, addition, modification or destruction thereof), including the exterior material types, colors and appearance.

3.3 Review. So long as Declarant is an Owner of any Lot within Trailhead, all plans and drawings identified in Paragraph 3.3 above, shall be submitted to Declarant for review prior to the performance of any proposed work. No plans shall be reviewed until all items specified in this Section are submitted. Within 30 days following receipt of all required plans and drawings, Declarant shall review the plans and shall inform the Owner in writing whether or not the plans and drawings conform to the requirements of the CCR's. In the event the Owner is not so notified within the 30-day review period, the plans are conclusively presumed to be approved as submitted. In the event any of the plans do not conform to the Trailhead development concept, the Owner shall resubmit those non-conforming portions of the plans for review in accordance with the procedures outlined in Paragraph 3.3 above, and this paragraph. No work may be performed relating to any improvement unless and until all aspects of all plans required under Paragraph 3.3 above have been approved by Declarant. Any site plans, construction plans or similar plans and drawings submitted to the Deschutes County in connection with the construction of any improvement in Trailhead must bear the priorwritten approval of Declarant.

3.4 Architectural Guidelines. The development concept for Trailhead shall be determined by Declarant in accordance with applicable statutes, ordinances, regulations, zoning and other governmental land use controls. Architectural guidelines setting forth various aspects of the development concept, in addition to those set forth this Declaration, may be published from time to time by Declarant, but Declarant shall not be required to do so. Declarant shall have the right to alter, rescind or amend any published guidelines without prior notice to any party; provided, however, once approval has been given pursuant to Paragraph 3.4 above, work may proceed in accordance with the approved plans and drawings notwithstanding any changes in the development concept. All such guidelines shall be in general conformity with this Declaration.

3.5 Inspection. All work related to any building, structure or improvement or other improvements within Trailhead shall be performed in strict conformity with the plans and drawings approved under Paragraph 3.4 above. Declarant shall have the right to inspect any such work upon 24 hours advance notice to determine its conformity with the approved plans and drawings and reserves the right to order a stop to all work, if, in good faith, Declarant believes that any such work is non-conforming. In the event that it is determined in good faith by Declarant that certain work is non-conforming, a stop work notice may be issued, without necessity of court order, which shall require the Owner to correct all non-conforming work specified in the notice before the remainder of the proposed work may be completed. Continued work without correction of any such non-conforming items shall be deemed a breach of this Declaration. The Declarant or officer, director, employee, agent or servant of Declarant shall not be responsible for any damages, loss, delay, cost or legal expense occasioned through a stop work notice given in good faith even if it is ultimately determined that such work was in conformity with the approved plans and drawings.

3.6 Waiver. Any condition or provision of Paragraphs 3.2 through 3.6 above, may be waived by Declarant in its exclusive discretion. Any waiver shall be in general conformity with the development concept and development standard for Trailhead. Any such waiver shall not be deemed a general waiver of any aspect of the development concept or the required procedures and approvals specified under Paragraphs 3.2 through 3.6. The granting of a waiver as to one Owner shall not entitle any other Owner to the waiver of the same or similar conditions or provisions. No waiver shall be valid unless it is in writing, signed by an authorized representative of Declarant and delivered by certified mail to the party claiming the benefit of such waiver.

#### **Section 4. RESTRICTIONS ON USE OF PROPERTY**

##### 4.1 Occupancy.

4.1.1 The Property shall be used exclusively for residential purposes. No Owner shall occupy, use or permit his Lot or any part thereof to be used for any other purpose, except that an Owner may operate a business from the Property subject to paragraph 4.6, below.

4.1.2 The Owner of any Property that contains a single-family residence with an approved additional dwelling unit ("ADU") shall be entitled to rent the ADU to a third party so long as that third party consists of no more than two individual residents and that third party parks not more than two cars within Trailhead, one of which must be parked on a solid-surface parking space on the Owner's Lot.

4.1.3 Owner of any Lot shall be entitled to rent the main residence on any Lot for a period of not less than thirty days. No overnight rentals shall be allowed.

4.2 Appearance. Each Lot within Trailhead shall be maintained in a clean and attractive condition, in good repair and in such a fashion as not to create a fire hazard or public nuisance. No Lot shall be used or maintained as a parking place for trucks, trailers, equipment or material, except during construction. No Lot shall be used as a dumping ground for rubbish or used as a parking place for automobiles not in regular family use. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in clean and sanitary condition. Storage of any kind of goods, chattels, merchandise or material shall be screened from view of adjoining Lots and streets in a manner approved by Declarant. Storage of vehicles, recreational vehicles or boats will be allowed only if screened from sight behind a solid screen. The design and construction of any solid screen must be approved by Declarant. All garbage and recycling containers also shall be screened from sight behind a solid screen or kept inside a garage except on the day garbage is picked up. No garbage or recycling containers shall be left on the driveway or on any street or sidewalk after 5 pm on the day

garbage is picked up.

4.3 Manufactured and Mobile Homes. No manufactured dwelling, kit home, trailer, mobile home, tent, shack, or other similar outbuilding or structure, shall be erected or placed on any Lot.

4.4 Construction Standards. No improvements may be constructed or placed on any Lot except as approved in accordance with Section 3 above. Any construction must be completed within 12 months of the start of construction. In addition and subject to such further standards as may be subsequently adopted by Declarant in accordance with Section 3, the following standards shall apply:

4.4.1 No building shall be erected, placed or permitted to remain on any Lot other than one single-family dwelling with a private attached garage and up to one ADU. No unattached buildings are allowed without the prior written consent of Declarant;

4.4.2 The habitable floor area of the ground floor of the main structure on each Lot, exclusive of one-story open porches and garages, shall not be less than 1,200 square feet;

4.4.3 All structures, including fences, shall be painted in natural earth tones to be approved in advance by Declarant;

4.4.4 All driveways shall be paved asphalt or concrete.

4.5 Parking: Speed. All vehicles owned by an Owner or other residents of the main unit must be parked on the Owner's driveway or in the Owner's garage. Any tenant residing in an ADU shall have no more than two vehicles, one of which must be parked on a hard-surface parking space on the Lot. A second vehicle belonging to such tenant may be parked on the street in front of the Lot. No parking, however, shall occur within the swale between the sidewalk and paved street. No vehicles belonging to guests shall be parked on streets for longer than a 24 hour period. A maximum speed limit of 10 miles per hour must be maintained within Trailhead.

4.6 Commercial Activity. No commercial activity shall be carried on nor shall anything be done which may be or become an annoyance or nuisance to the other Owners. The foregoing restriction shall not be construed in such manner as to prohibit an Owner from: (1) maintaining a professional library or home office for the conduct of personal business, (2) keeping personal business or professional records or accounts or, (3) handling personal business or professional calls or correspondence that does not entail customers or clients coming to the property to purchase goods or services rendered. Commercial activity that involves customers, clients or others regularly coming to the residence to conduct or participate in commercial activity shall, de facto, be considered an annoyance or nuisance to the other Owners.

4.7 Exterior lighting. Outdoor floodlights or vapor lights must be on motion

detectors in order to limit light pollution in Trailhead between the hours of 10:00 pm to 7:00 am. Any flood lights cannot be directed towards other Lots, shall be shielded to minimize light pollution and must maintain a 45-degree downward aspect angle.

4.8 Noise and Offensive Activity. No excessive noise, including barking dogs, is permitted between the hours of 10:00 pm and 7:00 am. No noxious or offensive activity shall be carried on upon any Lot, nor shall anything be done thereon that may be or may become an annoyance or nuisance to the neighborhood. The use of firearms, including air guns and pellet guns, is prohibited within the boundaries of Trailhead. The use of fireworks is prohibited at all times.

4.9 Signs. No sign of any kind shall be displayed to public view on or from any Lot without the Declarant's prior written consent; provided, however, that an Owner may display one "for sale" or one "for rent" sign per Lot with a maximum area not to exceed 600 square inches and placed not closer than three (3) feet from the front property line.

4.10 Pets. No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except two dogs, two cats or two other household pets; provided that they are not kept, bred or maintained for any commercial purpose and do not create objectionable noise, dust or odor. Household pets must be under the Owner's control at all times and shall not be allowed to roam over Lots belonging to others. Animals must belong to the Owner of the Property or a tenant in an ADU.

4.11 Limitation on Transfer. No Owner shall transfer either by bequest (except to such Owner's surviving spouse and/or surviving children), conveyance, contract of sale or lease any interest in his Lot which would result in Ownership of such Lot being held by more than two (2) persons. No Owner shall grant an easement without approval of Declarant.

## **Section 5. FENCING.**

5.1 Each Owner shall have the right, but not the obligation, to erect a perimeter fence around the Lot. The fence may be placed on the Lot line. Each adjoining Lot Owner within Trailhead grants, upon acquisition, consent to each other Owner the right to place a demising fence so long as the fence meets the following standards:

5.1.1 The fence shall be

- a) Constructed of metal or 4 x 4 pressure-treated wood posts with cedar boards;
- b) Five (5) feet in overall height;
- c) Treated with wood stain or preservative upon completion of installation;
- d) Placed squarely upon the Lot line between adjoining Lots; and
- e) Extended from the rear property line to no further forward on the Lot than the forward-most corner of the Owner's house on the subject side of the Lot;

5.1.2 The adjoining Lot Owners agree jointly to maintain the fence, including all costs thereof except in the event that damage to the fence is caused in major part by the actions of one Owner, or one Owner's guests or invitees, in which case the responsible Owner shall repair the fence to its previous condition.

5.2 In the event adjoining Lot Owners agree to install a fence differing from that described in paragraph 5.1.1, above, the Owners shall submit a drawing of the proposed fence to Declarant. Declarant shall, within 30 days, notify the Owners of Declarant's approval or denial of the proposed fence

## **Section 6. DETERMINATION OF DECLARANT'S ROLE**

6.1 Declarant's Control. Declarant shall have the right to exercise the architectural, landscaping, signing and lighting controls over any Lot within Trailhead so long as Declarant is an Owner of one or more Lots within Trailhead. However, if Declarant desires to cease exercising such control prior to selling all of Declarant's property within Trailhead, Declarant shall cause to be recorded in the Official Records of Deschutes County, Oregon, a declaration stating that Declarant no longer desires to exercise any further controls over development in Trailhead. Recordation of such a declaration shall formally terminate Declarant's interest and all rights of architectural, landscaping, signing and lighting controls, as well as any other duties of Declarant under this Declaration.

6.2 Formation of PPARC: Within sixty (60) days of the formal termination of Declarant's control, a majority of all Owners of the Lots within Trailhead may, but shall not have the obligation to, form an Oregon nonprofit organization called the Trailhead Architectural Review Committee (PPARC). Declarant shall cooperate in the formation of PPARC. When organized, the PPARC shall be governed by a three-person board of directors. PPARC shall succeed to all powers, responsibilities and rights of Declarant under this Declaration with respect to the exercise of architectural, landscaping, signing and lighting controls. The PPARC shall establish such rules and regulations as are consistent with and to allow the enforcement of this Declaration.

6.3 Failure to Organize. In the event the Owners are unsuccessful in organizing the board of directors of PPARC within the 60-day organizational period specified above, Declarant shall have no further responsibilities relating to PPARC. Such failure of organization of the PPARC board of directors shall not affect the existence of PPARC or the effectiveness of this Declaration. In this case, these CC&Rs may be enforced by any Owner within Trailhead in any court of law with proper jurisdiction.

## **Section 7. DURATION AND AMENDMENT OF THIS DECLARATION**

7.1 Duration. The Covenants, Conditions and Restrictions of Trailhead shall continue to remain in full force and effect at all times within respect to all property, and each part thereof, now or hereafter made subject thereto (subject however, to the right to amend

and repeal as provided for herein) for a period of thirty years from the date this Declaration is recorded. However, unless within one year from the date of said termination, there shall be recorded an instrument directing the termination of this Declaration signed by Owners of not less than two-thirds of the Lots then subject to this Declaration, this Declaration, as in effect immediately prior to the expiration date, shall be continued automatically without further notice for an additional period of ten years and thereafter for successive periods of ten years unless within one year prior to the expiration of each such successive period the Covenants, Conditions and Restrictions for Trailhead are terminated as set forth above in this Section.

7.2 Amendment. This Declaration or any provision thereof, or any Covenant, Condition or Restriction contained herein, may be terminated, extended, modified, or amended, as to the whole of said property or any part thereof by Declarant without the consent of any other Owner, person or entity. Upon establishment of PPARC, such action may be taken by the affirmative vote a majority of the members of PPARC.

7.3 Recording. Any amendment, deletion or repeal of this Declaration shall not become effective until recorded in the Official Records of Deschutes County, Oregon.

## **Section 8. ENFORCEMENT**

8.1 This Declaration shall be specifically enforceable in any appropriate court of law by Declarant, or by PPARC or by any Owner of any Lot in Trailhead. Any breach of this Declaration shall subject the breaching *party to the fines and charges set forth in Exhibit B Schedule of Fines for Violations of CC&Rs* together with any and all additional legal remedies, including damages or the destruction, removal or the enjoining of any offending improvement or condition.

8.2 In the event any legal action, with or without suit, is instituted to enforce the provisions of this Declaration, the prevailing party in such action shall be entitled to recover reasonable attorney fees and costs incurred in such action, including legal fees and costs incurred in writing letters and other forms of correspondence, prosecuting a suit for damages or specific performance, including arbitration, and any appeal there from.

## **Section 9. EFFECT OF DECLARATION.**

The Covenants, Conditions and Restrictions of this Declaration shall run with the land included in Trailhead and shall bind, benefit and burden each Lot in Trailhead, including any additions thereto. The terms of this Declaration shall inure to the benefit and shall bind Declarant, all successors and assigns of Declarant and all Owners of any Lot in Trailhead, their successors, assigns, heirs, administrators, executors, mortgagees, lessees, invitees or any other party claiming or deriving any right, title or interest or use in or to any real property in Trailhead. The architectural controls, use restrictions and regulations set forth in Sections 3, 4, 5 and 6 of this Declaration shall be binding upon all Owners, lessees, licensees, occupants and users of the property known as Trailhead and their successors in interest as set forth in this Declaration, including any person who holds such



interests as security for the payment of an obligation, including any mortgagee or other security holder in actual possession of any Lot by foreclosure or otherwise and any other person taking title from such security holder.

RESIDEPNW, LLC

\_\_\_\_\_  
Gary B. Blake, Member

STATE OF OREGON     )  
                                  ) ss  
County of Deschutes     )

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_ by, Gary B. Blake as a Member of ResidePNW, LLC, an Oregon limited liability company, on behalf of said limited liability company.

\_\_\_\_\_  
Notary Public for the State of Oregon  
My Commission Expires: \_\_\_\_\_

## **EXHIBIT A**

Lots 1 through 22, TRAILHEAD, Deschutes County, Oregon

## EXHIBIT B

### SCHEDULE OF FINES FOR VIOLATIONS OF CC&Rs

		<u>Initial</u>	<u>Final</u>	<u>Daily Fine</u>
Section 3	Architectural Design, Approvals	\$500		\$50
Par. 4.1 – 4.4	Use of Lot, Dwelling or Accessory Buildings	\$500		\$50
Par. 4.5	Parking Violations	\$250		\$25
Par. 4.6	Business Activities	\$300		\$30
Par. 4.7 – 4.9	Nuisance or Offensive Activities	\$300		\$30
Section 5	Fence Construction, Maintenance	\$250		\$25
Other Violations		\$50 - \$250		\$10 - \$25

Repeated Violations: Fines for repeated violations shall be twice the initial and daily fines set forth above



01107176201700109010030032

03/21/2017 02:41:05 PM

D-D Cnt=1 Stn=2 TM

\$15.00 \$11.00 \$21.00 \$10.00 \$6.00

**WARRANTY DEED**

Recording requested and  
when recorded return to:

Until a change is requested,  
all tax statements shall be  
sent to the following address:

Brent S. Kinkade  
Karnopp Petersen LLP  
360 SW Bond Street, Suite 400  
Bend, Oregon 97702

No change

*The true consideration for this conveyance is a tax-free capital contribution to Grantee.*

**DANIEL L. CARVER**, Grantor, conveys and warrants to **CARVER**

**DEVELOPMENT, LLC**, an Oregon limited liability company, Grantee, whose address is  
92462 Hinton Road, Maupin, OR 97037, the following described real property free of  
encumbrances except covenants, conditions, restrictions, liens and encumbrances of record as of  
the date hereof:

**See attached Exhibit A.**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON  
TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF  
ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11,  
CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855,  
OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS  
INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS

INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

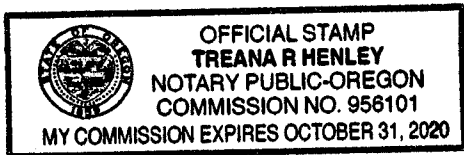
DATED effective August 1, 2016

*Daniel L. Carver*

**DANIEL L. CARVER**

STATE OF OREGON )  
 ) ss.  
 County of Deschutes )

The foregoing instrument was acknowledged before me this 3<sup>rd</sup> day of January, 2017, by Daniel L. Carver.



*Treana R. Henley*  
 NOTARY PUBLIC FOR OREGON

**Exhibit A**

Real property in the County of Deschutes and State of Oregon legally described as follows:

**PARCEL 1:**

**Lot Thirty-five (35) in Section Fourteen (14), Township Twenty-two (22) South, Range Ten (10), East of the Willamette Meridian, Deschutes County, Oregon**

**PARCEL 2:**

**In Township Twenty-two (22) South, Range Ten (10), East of the Willamette Meridian, Deschutes County, Oregon: Section Fourteen (14): Government Lot Thirty-six (36), according to the official plat on file with the Bureau of Land Management.**

**PARCEL 3:**

**Lot Forty-three (43), Section Fourteen (14), Township Twenty-two (22) South, Range Ten (10), East of the Willamette Meridian, Deschutes County, Oregon.**

**PARCEL 4:**

**Lot Forty-four (44), Section Fourteen (14), Township Twenty-two (22) South, Range Ten (10), East of the Willamette Meridian, Deschutes County, Oregon.**



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

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**PRELIMINARY TITLE REPORT ATTACHED**

**Date:** April 22, 2022 **File No.:** 539262AM  
**Property:** 51385, 51369, 51355 and 51345 Anchor Way, La  
Pine, OR 97739  
**Buyer:** Reside PNW, LLC  
**Seller:** Carver Development, LLC

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

**Seller:**  
Carver Development, LLC  
92462 Hinton Rd  
Maupin, OR 97037

**Buyer:**  
Reside PNW, LLC  
51439 Hemlock Rd  
La Pine, OR 97739



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

---

## Preliminary Title Report

Subject to conditions and stipulations contained therein

Your contacts for this transaction are as follows:

**Escrow Officer:**

Jenny Schossow  
354 SW Upper Terrace Dr., Ste. 104  
Bend, OR 97702  
jenny.schossow@amerititle.com  
(541) 749-4040

**Title Officer**

Hope Bridges  
15 NW Oregon Ave.  
Bend, OR 97703  
Hope.Bridges@amerititle.com  
(541)389-7711

**Email escrow closing documents to:**

oldmill@amerititle.com





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

---

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

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

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



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

---

April 22, 2022  
 File Number: 539262AM  
 Report No.: 1  
 Title Officer: Hope Bridges  
 Escrow Officer: Jenny Schossow

**PRELIMINARY TITLE REPORT**

**Property Address: 51385, 51369, 51355 and 51345 Anchor Way, La Pine, OR 97739**

<u>Policy or Policies to be issued:</u>	<u>Liability</u>	<u>Premium</u>
OWNER'S STANDARD COVERAGE	\$600,000.00	\$1,500.00
Proposed Insured: <b>Reside PNW, LLC</b>		

Local Government Lien Search \$120.00

We are prepared to issue ALTA (06/17/06) title insurance policy(ies) of Old Republic National Title Insurance Company, in the usual form insuring the title to the land described as follows:

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

and dated as of 11th day of April, 2022 at 7:30 a.m., title is vested in:

**Carver Development, LLC, an Oregon limited liability company**

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

FEE SIMPLE

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

**GENERAL EXCEPTIONS:**

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

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

**SPECIAL EXCEPTIONS:**

**Tax Information:**

[Taxes](#) assessed under Code No. 1109 Account No. 115019 [Map](#) No. 221014CB00800  
NOTE: The 2021-2022 Taxes: \$218.28, are Paid

Taxes assessed under Code No. 1109 Account No. 115018 Map No. 221014CB00900  
NOTE: The 2021-2022 Taxes: \$914.67, are Paid

Taxes assessed under Code No. 1109 Account No. 115030 Map No. 221014CB01600  
NOTE: The 2021-2022 Taxes: \$200.51, are Paid

Taxes assessed under Code No. 1109 Account No. 152196 Map No. 221014CB01700  
NOTE: The 2021-2022 Taxes: \$205.23, are Paid

6. SPECIAL EXCEPTIONS FOR PARCEL 1:

7. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Emil Schmuckal  
Recorded: March 8, 1955  
Instrument No.: [113-350](#)
8. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as reserved in instrument:  
Recorded: March 8, 1955  
Instrument No.: [113-350](#)

SPECIAL EXCEPTIONS FOR PARCEL 2:

9. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Bernie G. Schultz  
Recorded: June 5, 1955  
Instrument No.: [110-381](#)
10. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as reserved in instrument:  
Recorded: June 5, 1955  
Instrument No.: [110-381](#)
11. La Pine Special Sewer District Sewerage System Easement, including the terms and provisions thereof,  
Recorded: November 5, 2003  
Instrument No.: [2003-77015](#)

SPECIAL EXCEPTIONS FOR PARCEL 3:

12. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: James Harold Masters  
Recorded: April 21, 1964  
Instrument No.: [138-647](#)
13. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as reserved in instrument:  
Recorded: April 21, 1964  
Instrument No.: [138-647](#)
14. La Pine Special Sewer District Sewerage System Easement, including the terms and provisions thereof,  
Recorded: May 21, 2004  
Instrument No.: [2004-29774](#)
15. Right, title and interest of the public in and to those portions of the Land lying within roads, streets or highways. (all parcels)
16. The Company will require a copy of the Operating Agreement (including any approvals of withdrawal of member(s) or acceptance of new member(s)) and the Articles of Organization of Carver Development, LLC for its examination prior to closing. Any conveyance or encumbrance of the Limited Liability Company's property must be executed by all of the members unless otherwise provided for in the Operating Agreement.

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

17. The Company will require verification the Operating Agreement of Carver Development, LLC is in full force and effect, includes all amendments and that it has not been revoked or terminated.
18. The Oregon Secretary of State Corporation Division has no record of Reside PNW, LLC. Proof must be furnished that Reside PNW, LLC is a properly created entity capable of holding title.

The Company reserves the right to add additional items, make further requirements and/or change the vesting after review of the requested documentation or if such proof cannot be furnished.

**INFORMATIONAL NOTES:**

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

Parties:

Reside PNW, LLC

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

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

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

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

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

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

**End of Report**

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

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

The land referred to in the Policy is described as follows:

PARCEL 1:

Lot 35 in Section 14, Township 22 South, Range 10, East of the Willamette Meridian, Deschutes County, Oregon. **Excepting therefrom** that portion dedicated to the city of La Pine in Deed of Dedication, Recorded August 25, 2020, Instrument No. 2020-42818, Deschutes County, Oregon.

PARCEL 2:

In Township 22 South, Range 10, East of the Willamette Meridian, Deschutes County, Oregon: Section 14): Government Lot 36, according to the official plat on file with the Bureau of Land Management. **Excepting therefrom** that portion dedicated to the city of La Pine in Deed of Dedication, Recorded August 25, 2020, Instrument No. 2020-42818, Deschutes County, Oregon.

PARCEL 3:

Lot 43, Section 14, Township 22 South, Range Ten 10, East of the Willamette Meridian, Deschutes County, Oregon. **Excepting therefrom** that portion dedicated to the city of La Pine in Deed of Dedication, Recorded August 25, 2020, Instrument No. 2020-42818, Deschutes County, Oregon.

PARCEL 4:

Lot 44, Section 14, Township 22 South, Range Ten 10, East of the Willamette Meridian, Deschutes County, Oregon. **Excepting therefrom** that portion dedicated to the city of La Pine in Deed of Dedication, Recorded August 25, 2020, Instrument No. 2020-42818, Deschutes County, Oregon.



# TRAILHEAD AT ANCHOR WAY

## TENTATIVE PLANS FOR LAND USE APPROVAL

51345, 51355, 51369, 51385 ANCHOR WAY  
LA PINE, OR 97739

### VICINITY MAP



### SURVEY NOTES

EXISTING TOPOGRAPHIC AND BOUNDARY INFORMATION SHOWN HEREON PER SURVEY BY BECON DATED MAY 05, 2022.

BOUNDARY DATA: BECON ENGINEERING AND LAND SURVEYING

### SURVEY MONUMENT PROTECTION:

PROTECT AND PRESERVE, IN PLACE, ALL SURVEY MONUMENTS AND BENCHMARKS. DO NOT DISTURB, MOVE, OR RELOCATE MONUMENTS OR BENCHMARKS WITHOUT THE PRIOR REVIEW AND APPROVAL BY THE AGENCY HAVING JURISDICTION OVER THE MONUMENT OR BENCHMARK. THE CONTRACTOR SHALL CONTRACT WITH A LICENSED SURVEYOR FOR MONUMENTS REQUIRING DISTURBANCE OR REMOVAL, AND THE SURVEYOR SHALL RESET THE MONUMENTS OR PROVIDE PERMANENT WITNESS MONUMENTS AND FILE THE REQUIRED DOCUMENTATION WITH THE AUTHORITY HAVING JURISDICTION, PURSUANT TO ALL APPLICABLE BUSINESS AND PROFESSIONAL CODES.

### STANDARD ABBREVIATIONS

AC	ASPHALTIC CONCRETE	IE	INVERT ELEVATION
BLDG	BUILDING	INV	INVERT
BCR	BEGIN CURB RETURN	LA	LANDSCAPE AREA
BVC	BEGIN VERTICAL CURVE	NG	NATURAL GRADE
BW	BOTTOM OF WALL	PA	PLANTER AREA
CB	CATCH BASIN	PCC	PORTLAND CEMENT CONCRETE
C/L	CENTERLINE	P/L	PROPERTY LINE
CMU	CONCRETE MASONRY UNIT	POC	POINT OF CONNECTION
CONC	CONCRETE	PS	PARKING STRIPE
DW	DRIVEWAY	PVC	POLYVINYL CHLORIDE
ECR	END CURB RETURN	RW	RIGHT OF WAY
EG	EXISTING GRADE	SD	STORM DRAIN
EP	EDGE OF PAVEMENT	SG	SUB-GRADE ELEVATION
EVC	END VERTICAL CURVE	SS	SANITARY SEWER
FF	FINISHED FLOOR	TC	TOP OF CURB, CONCRETE
FG	FINISHED GRADE	TF	TOP OF FOOTING
FH	FIRE HYDRANT	TG	TOP OF GRATE
FL	FLOW LINE	TW	TOP OF WALL
FS	FINISHED SURFACE	VC	VERTICAL CURVE
GB	GRADE BREAK		

### UTILITY PURVEYORS

ELECTRICITY: MIDSTATE ELECTRIC COOPERATIVE, INC  
16755 FINLEY BUTTE RD  
LA PINE, OR 97719  
(541) 536-2126

TV/TELEPHONE: BEND BROADBAND  
63090 SHERMAN RD  
BEND, OR 97701  
(541) 382-5551

ALT TELE/INT: CENTURYLINK  
100 NW KEARNEY AVE  
BEND, OR 97701  
(877) 837-5738

SEWER: CITY OF LA PINE  
16345 6TH ST  
LA PINE, OR 97739  
(541) 536-1432

WATER: CITY OF LA PINE  
16345 6TH ST  
LA PINE, OR 97739  
(541) 536-1432

NATURAL GAS: CASCADE NATURAL GAS  
64500 O.B. RILEY RD  
TUMALO, OR 97703  
(888) 522-1130

### PROJECT INFORMATION

CLIENT: RESIDE PNW  
15375 PONDEROSA LOOP  
LA PINE, OR 97739

SURVEYOR: BECON  
549 SW MILL VIEW WAY  
SUITE 100  
BEND, OR 97702

TAXLOT: 221014CB01700, 221014CB01600, 221014CB00900, 221014CB00800  
SITE AREA: 4.51 AC  
AREA DISTURBED: 4.51 AC

### SHEET INDEX

SHEET	SHEET TITLE
C-0.0	TITLE SHEET
C-1.0	TENTATIVE EXISTING CONDITIONS AND DEMOLITION PLAN
C-2.0	TENTATIVE PLAT
C-3.0	TENTATIVE CIVIL SITE PLAN
C-3.1	TENTATIVE UTILITY PLAN
C-4.0	TENTATIVE GRADING AND DRAINAGE PLAN

Plan Prepared By:



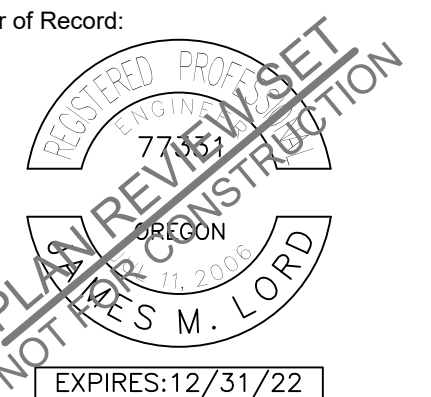
**Ashley & Vance**  
ENGINEERING, INC.

33 NW Franklin Ave, Suite 110  
Bend, OR 97703  
(541) 647-1445  
www.ashleyvance.com

CIVIL • STRUCTURAL

The use of these plans and specifications shall be restricted to the original site for which they were prepared and publication thereof is expressly limited to such use. Reproduction or publication by any method, in whole or in part, is prohibited. Title to these plans and specifications remain with Ashley & Vance Engineering, Inc. without prejudice. Visual contact with these plans and specifications shall constitute prima facie evidence of the acceptance of these restrictions.

Engineer of Record:



TRAILHEAD AT ANCHOR WAY  
TITLE SHEET  
51345, 51355, 51369, 51385 ANCHOR WAY  
LA PINE, OR 97739

Revisions:

1	
2	
3	
4	
5	

Project Engineer: JWM Ext: 190

Project Manager: JML

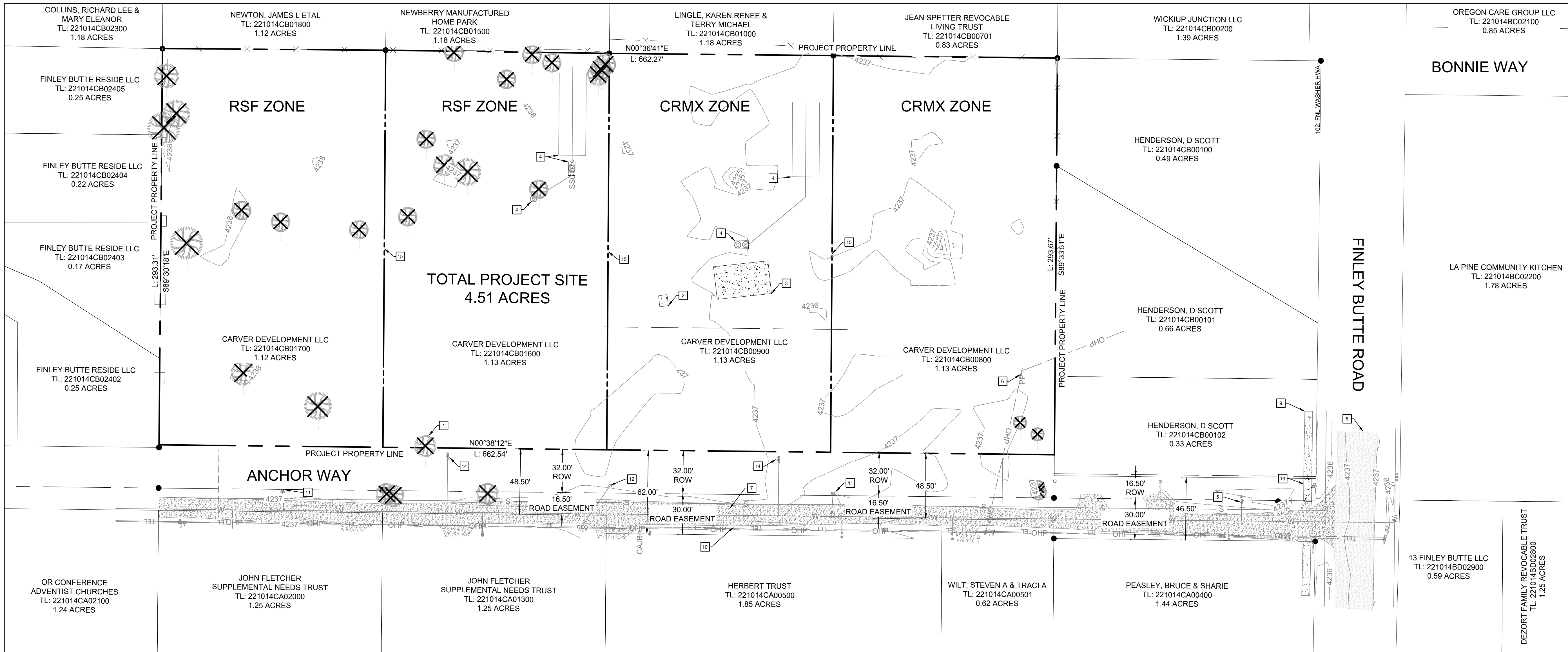
Date: 6/9/2022 Scale: PER PLAN

AV Job No: 22204 Sheet Size: 22" x 34"

**C-0.0**



J:\2022 AI Jobs\22204 - Anchor Way Subdivision - Resident\02\_Working Drawings\22X08\_BEND\_IN\_PROGRESS\02\_LAND USE\C-1.0\_06\_Jun 09, 2022 8:10am\_Emily



**BONNIE WAY**

OREGON CARE GROUP LLC  
TL: 221014BC02100  
0.85 ACRES

LA PINE COMMUNITY KITCHEN  
TL: 221014BC02200  
1.78 ACRES

**FINLEY BUTTE ROAD**

13 FINLEY BUTTE LLC  
TL: 221014BD02900  
0.59 ACRES

DEZORT FAMILY REVOCABLE TRUST  
TL: 221014BD02800  
1.25 ACRES

WICKIUP JUNCTION LLC  
TL: 221014CB00200  
1.39 ACRES

HENDERSON, D SCOTT  
TL: 221014CB00100  
0.49 ACRES

HENDERSON, D SCOTT  
TL: 221014CB00101  
0.66 ACRES

HENDERSON, D SCOTT  
TL: 221014CB00102  
0.33 ACRES

PEASLEY, BRUCE & SHARIE  
TL: 221014CA00400  
1.44 ACRES

WILT, STEVEN A & TRACI A  
TL: 221014CA00501  
0.62 ACRES

HERBERT TRUST  
TL: 221014CA00500  
1.85 ACRES

JOHN FLETCHER SUPPLEMENTAL NEEDS TRUST  
TL: 221014CA01300  
1.25 ACRES

JOHN FLETCHER SUPPLEMENTAL NEEDS TRUST  
TL: 221014CA02000  
1.25 ACRES

OR CONFERENCE ADVENTIST CHURCHES  
TL: 221014CA02100  
1.24 ACRES

FINLEY BUTTE RESIDE LLC  
TL: 221014CB02405  
0.25 ACRES

FINLEY BUTTE RESIDE LLC  
TL: 221014CB02404  
0.22 ACRES

FINLEY BUTTE RESIDE LLC  
TL: 221014CB02403  
0.17 ACRES

FINLEY BUTTE RESIDE LLC  
TL: 221014CB02402  
0.25 ACRES

CARVER DEVELOPMENT LLC  
TL: 221014CB01700  
1.12 ACRES

CARVER DEVELOPMENT LLC  
TL: 221014CB01600  
1.13 ACRES

CARVER DEVELOPMENT LLC  
TL: 221014CB00900  
1.13 ACRES

CARVER DEVELOPMENT LLC  
TL: 221014CB00800  
1.13 ACRES

JEAN SPETTER REVOCABLE LIVING TRUST  
TL: 221014CB00701  
0.83 ACRES

LINGLE, KAREN RENEE & TERRY MICHAEL  
TL: 221014CB01000  
1.18 ACRES

NEWBERRY MANUFACTURED HOME PARK  
TL: 221014CB01500  
1.18 ACRES

NEWTON, JAMES L ETAL  
TL: 221014CB01800  
1.12 ACRES

COLLINS, RICHARD LEE & MARY ELEANOR  
TL: 221014CB02300  
1.18 ACRES

**GENERAL NOTES:**

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**DEMOLITION NOTES**

- 1 EXISTING TREE TO BE REMOVED
- 2 EXISTING WELL TO BE DECOMMISSIONED PER OREGON DHS REQUIREMENTS
- 3 EXISTING CONCRETE PAD TO BE REMOVED
- 4 EXISTING SEWER TANKS, SEWER MANHOLES, AND DRAINLINES TO BE REMOVED
- 5 EXISTING WATER METER TO BE RELOCATED
- 6 EXISTING OVER HEAD POWER LINE AND POLE TO BE RELOCATED
- 7 EXISTING GRAVEL ROAD TO BE REMOVED
- 8 EXISTING ROAD TO REMAIN
- 9 EXISTING PEDESTRIAN PATH TO REMAIN
- 10 EXISTING WATER, SEWER, AND POWER UTILITY MAINS TO REMAIN
- 11 EXISTING HYDRANT TO BE RELOCATED
- 12 EXISTING PEDESTAL TO BE RELOCATED
- 13 EXISTING PEDESTRIAN PATH TO BE REMOVED
- 14 EXISTING WATER SERVICE AND METER TO REMAIN
- 15 EXISTING LOT LINES TO BE REMOVED

**EXISTING CONDITIONS AND DEMOLITON LEGEND**

— W —	EXISTING WATER LINE
— SS —	EXISTING SANITARY SEWER LINE
— E —	EXISTING UNDERGROUND POWER
— OHP —	EXISTING OVERHEAD POWER
— SD —	EXISTING STORM DRAIN LINE
— G —	EXISTING GAS LINE
— TEL —	EXISTING COMMUNICATIONS LINE
— X —	EXISTING FENCE
— — —	ADJACENT PROPERTY LINE
— — —	PROJECT PROPERTY LINE
— 3690 —	MAJOR CONTOUR (5' INTERVAL)
— 3691 —	MINOR CONTOUR (1' INTERVAL)
XXX	EXISTING TREE TO BE REMOVED
[Pattern]	EXISTING AC PAVEMENT
[Pattern]	EXISTING CONCRETE
[Pattern]	EXISTING CONCRETE TO BE REMOVED
[Pattern]	EXISTING GRAVEL ROAD

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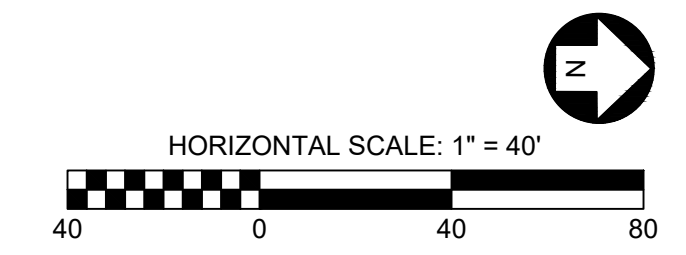
REGISTERED PROFESSIONAL ENGINEER  
PLANNING REVIEW SET  
NOT FOR CONSTRUCTION  
M. M. LORD  
EXPIRES: 12/31/22

**TRAILHEAD AT ANCHOR WAY**  
TENTATIVE EXISTING CONDITIONS AND DEMOLITION PLAN  
51345,51355,51369,51385 ANCHOR WAY  
LA PINE, OR 97739

Revisions:

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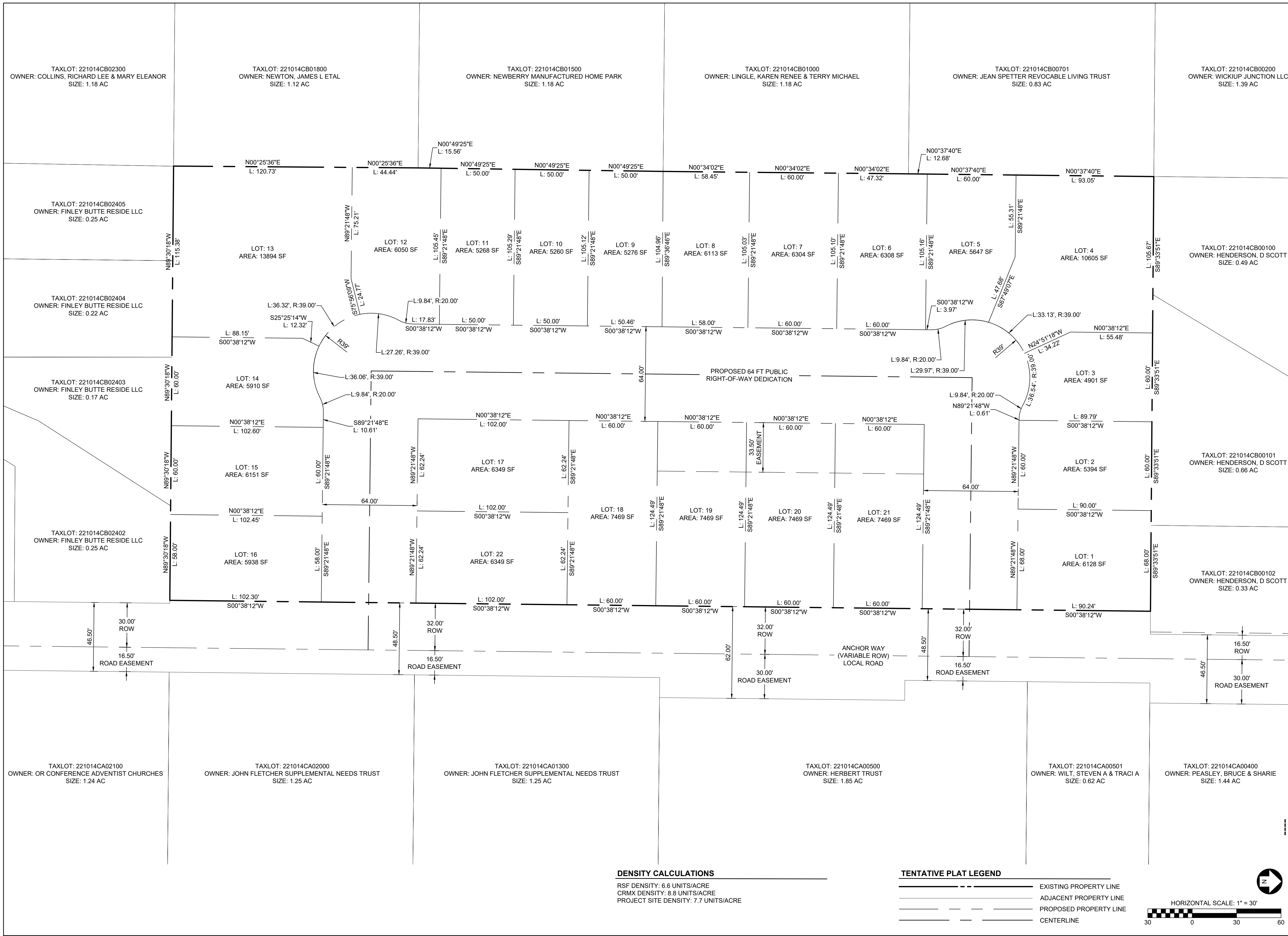
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Project Manager: JML  
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AV Job No: 22204 Sheet Size: 22" x 34"



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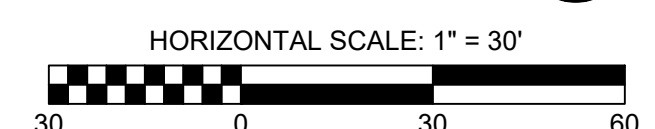


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**DENSITY CALCULATIONS**  
RSF DENSITY: 6.6 UNITS/ACRE  
CRMX DENSITY: 8.8 UNITS/ACRE  
PROJECT SITE DENSITY: 7.7 UNITS/ACRE

**TENTATIVE PLAT LEGEND**  
- - - - - EXISTING PROPERTY LINE  
- - - - - ADJACENT PROPERTY LINE  
- - - - - PROPOSED PROPERTY LINE  
- - - - - CENTERLINE



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NOT FOR CONSTRUCTION  
M. M. LOFF  
EXPIRES: 12/31/22

**TRAILHEAD AT ANCHOR WAY**  
**TENTATIVE PLAT**  
51345,51355,51369,51385 ANCHOR WAY  
LA PINE, OR 97739

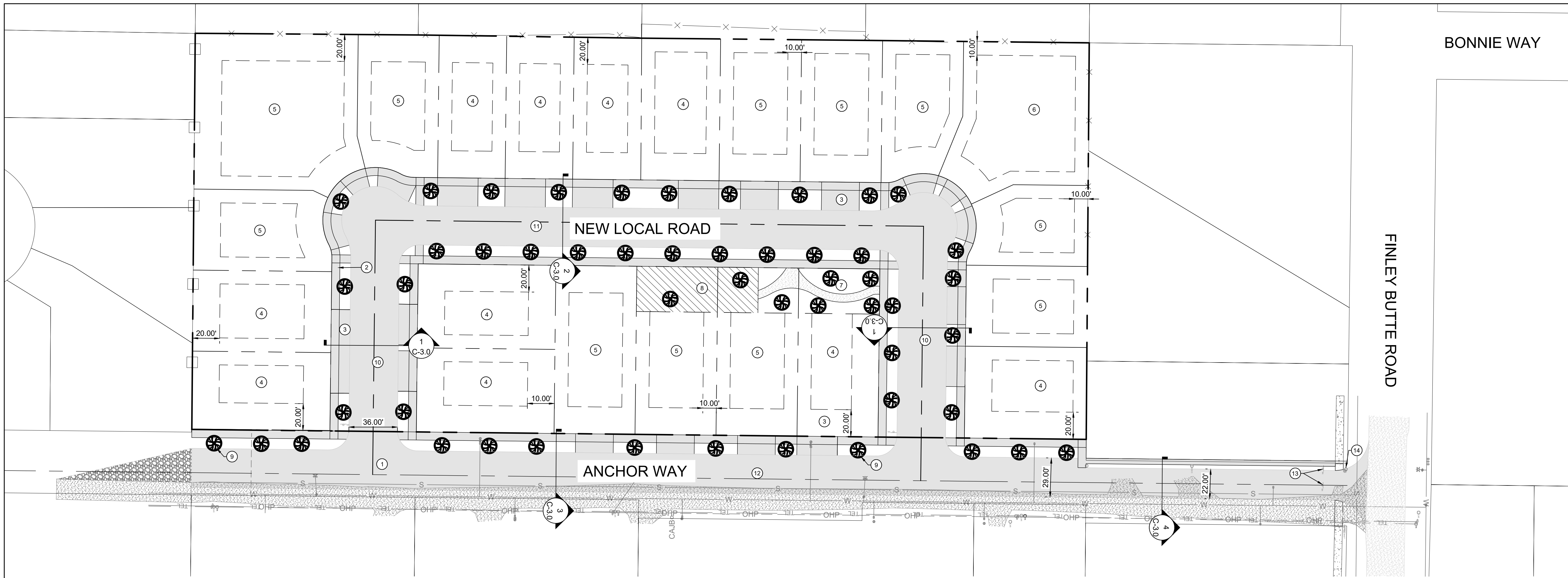
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Project Manager: JML  
Date: 6/9/2022 Scale: PER PLAN  
AV Job No: 22204 Sheet Size: 22" x 34"

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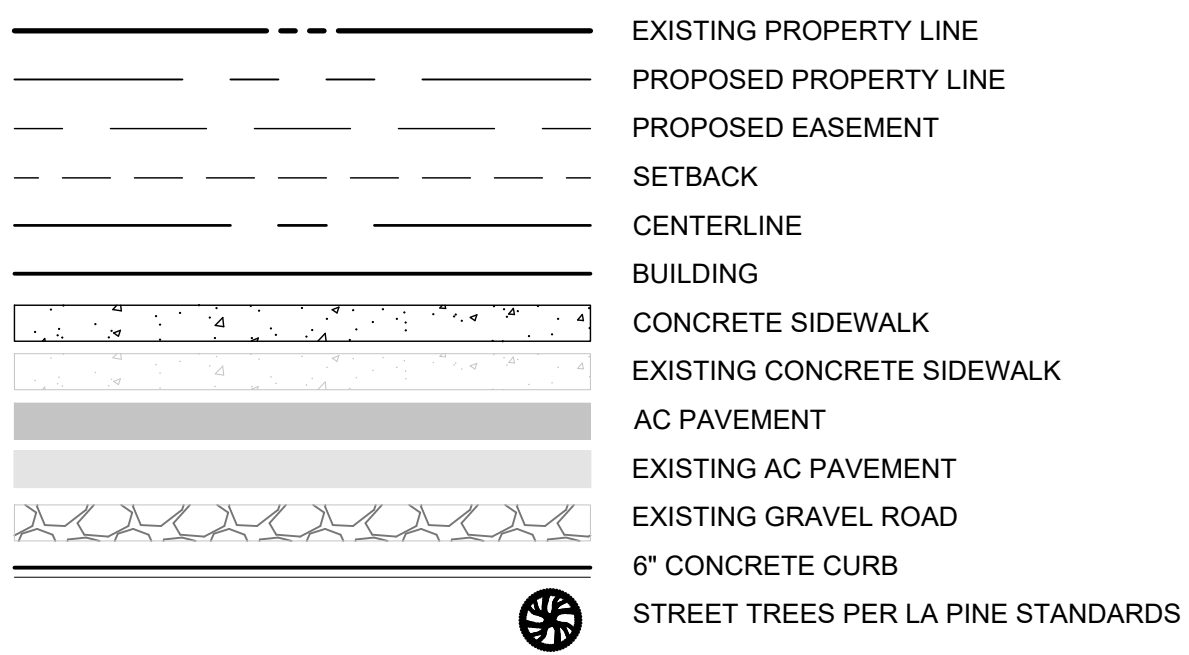
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BONNIE WAY

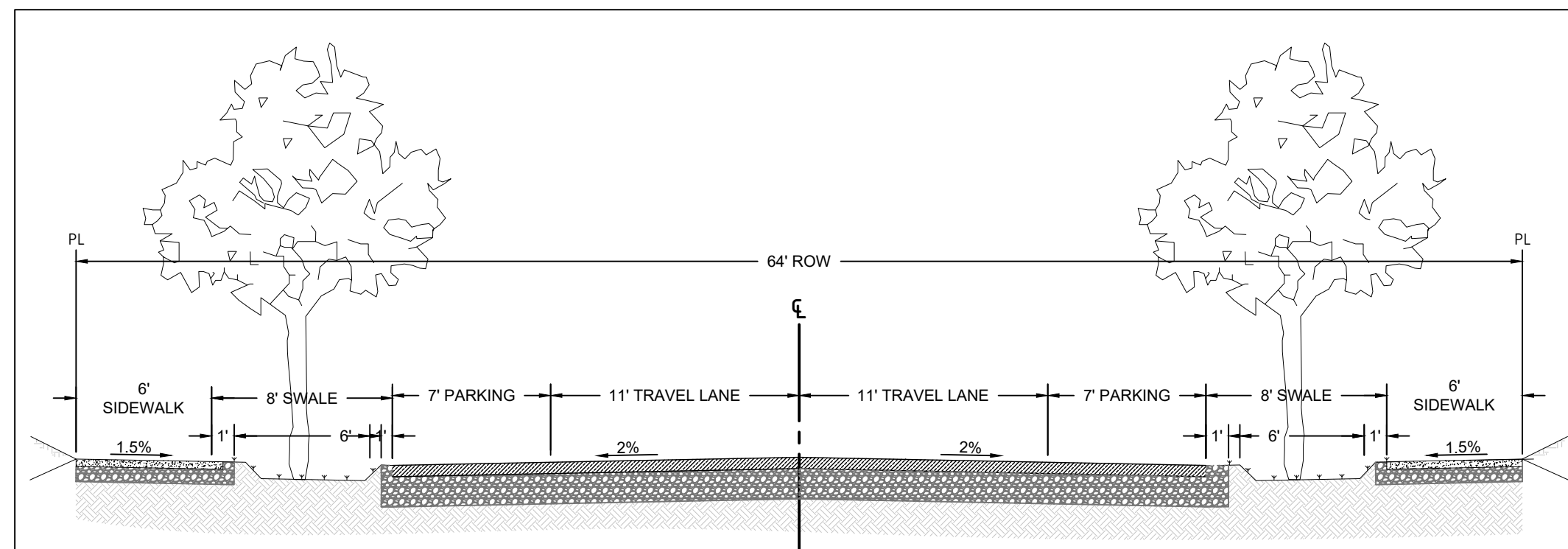
FINLEY BUTTE ROAD

**SITE PLAN LEGEND**

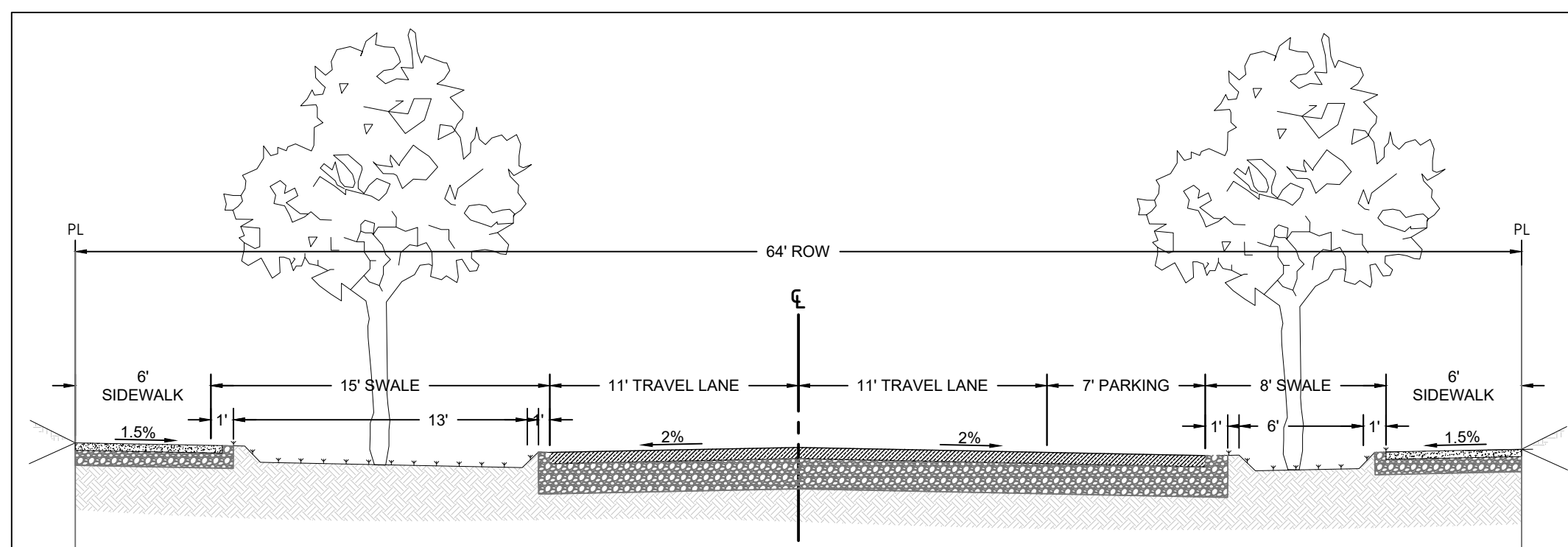


**SITE CONSTRUCTION NOTES:**

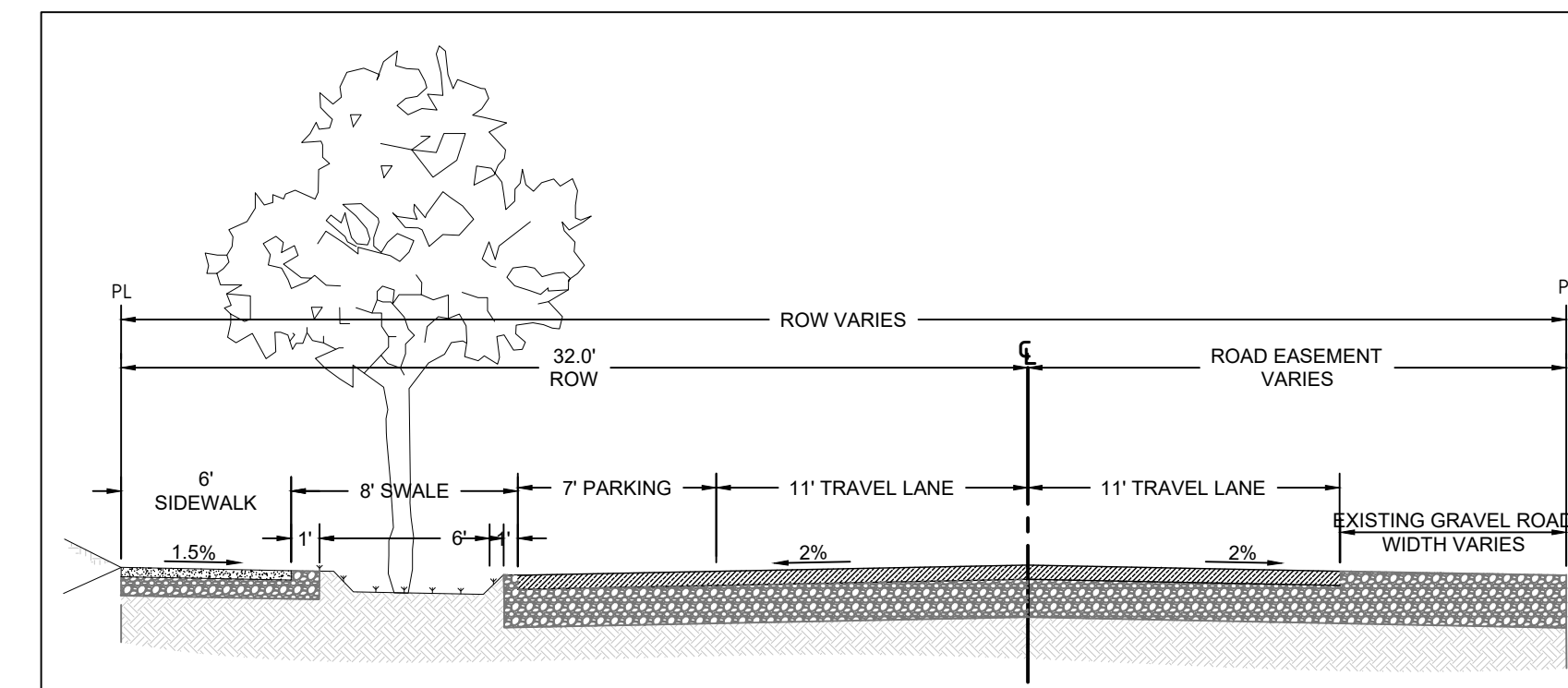
- 1 INSTALL AC PAVEMENT.
- 2 INSTALL 6' AC PAVEMENT WALKWAY.
- 3 INSTALL RESIDENTIAL DRIVEWAY.
- 4 CONSTRUCT SINGLE FAMILY UNIT WITH ADU.
- 5 CONSTRUCT DUPLEX UNIT.
- 6 CONSTRUCT TRIPLEX UNIT.
- 7 CONSTRUCT PARK.
- 8 CONSTRUCT DOG PARK.
- 9 STREET TREES PER LA PINE STANDARDS.
- 10 CONSTRUCT LOCAL ROAD PER TYPICAL SECTION 1 ON THIS SHEET.
- 11 CONSTRUCT LOCAL ROAD PER TYPICAL SECTION 2 ON THIS SHEET.
- 12 CONSTRUCT LOCAL ROAD PER TYPICAL SECTION 3 ON THIS SHEET.
- 13 RELOCATE EXISTING SIGN.
- 14 RELOCATE EXISTING LIGHT POLE.
- 15 CONSTRUCT GRAVEL TAPER TO MATCH EXISTING GRAVEL ROAD.



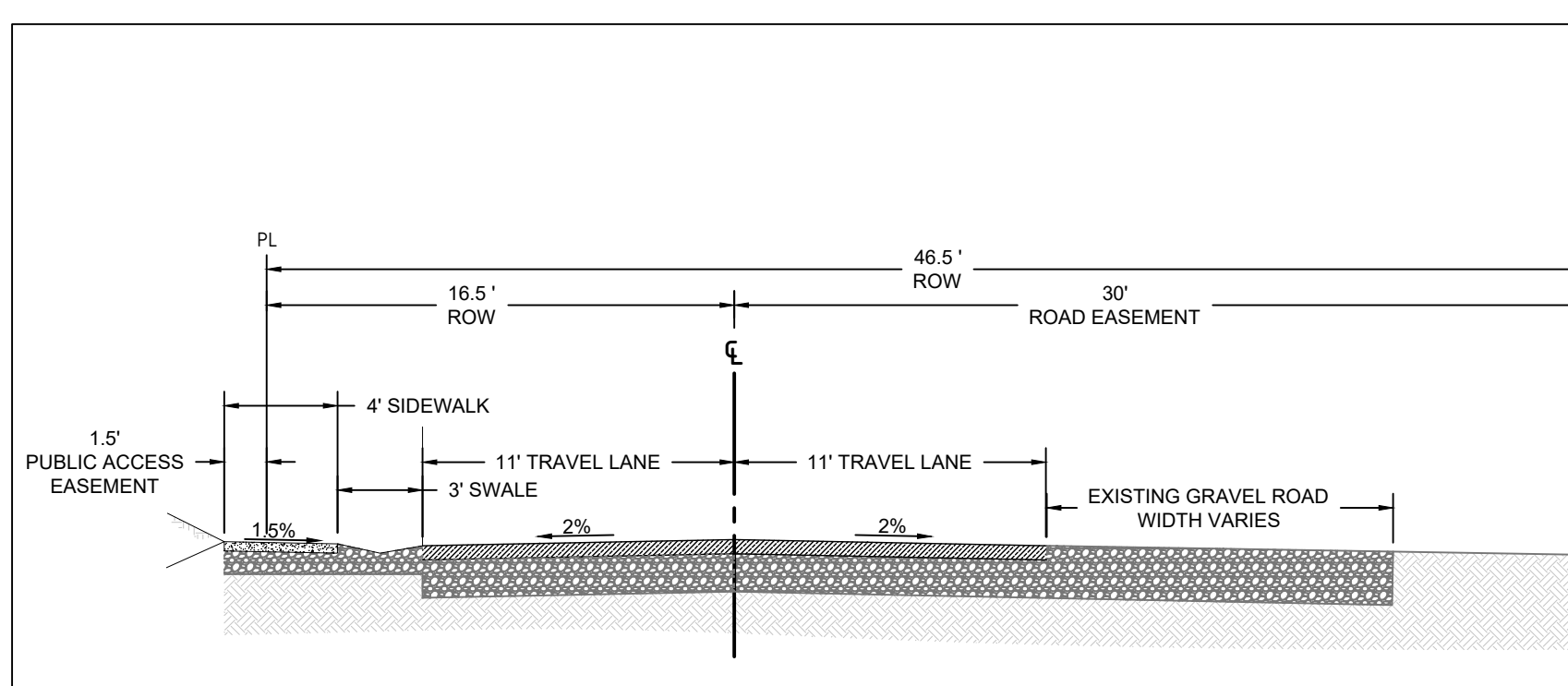
**1** TYPICAL LOCAL ROAD PARKING BOTH SIDES  
SCALE: NTS



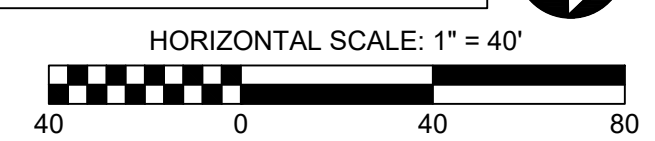
**2** TYPICAL LOCAL ROAD PARKING EAST SIDE ONLY  
SCALE: NTS



**3** TYPICAL ANCHOR WAY PARKING WEST SIDE ONLY  
SCALE: NTS



**4** TYPICAL ANCHOR WAY NO PARKING  
SCALE: NTS



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Engineer of Record:

THOMAS M. LORD  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF OREGON  
EXPIRES: 12/31/22

**TRAILHEAD AT ANCHOR WAY**  
TENTATIVE CIVIL SITE PLAN  
51345,51355,51369,51385 ANCHOR WAY  
LA PINE, OR 97739

Revisions:

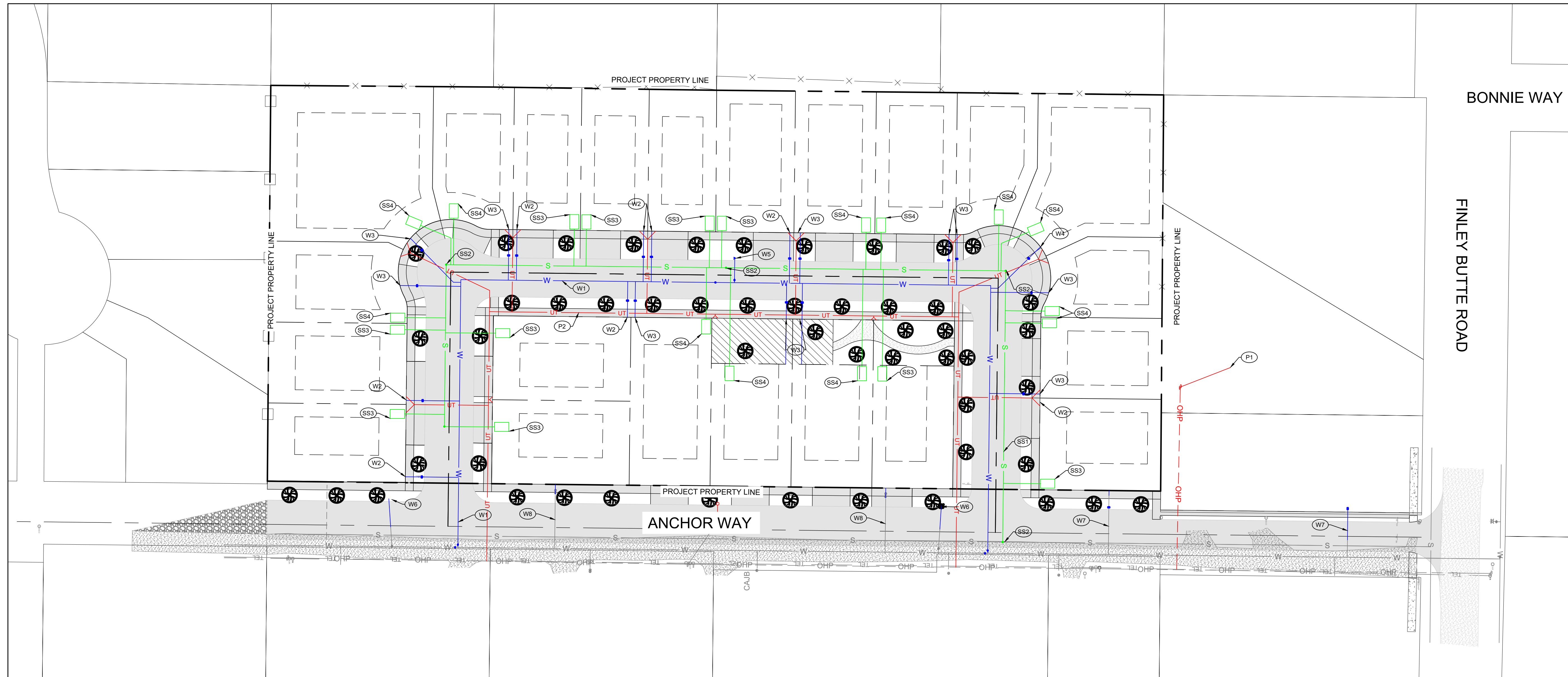
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Project Engineer: JWM Ext: 190  
Project Manager: JML  
Date: 6/9/2022 Scale: PER PLAN  
AV Job No: 22204 Sheet Size: 22" x 34"

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**GENERAL NOTES:**

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**WATER CONSTRUCTION NOTES:**

- (W1) INSTALL 8" WATER MAIN.
- (W2) INSTALL 3/4" WATER SERVICE LINE AND METER.
- (W3) INSTALL 1" WATER SERVICE LINE AND METER.
- (W4) INSTALL 1 1/2" WATER SERVICE LINE AND METER.
- (W5) INSTALL 6" LATERAL AND HYDRANT ASSEMBLY.
- (W6) EXISTING HYDRANT TO BE RELOCATED.
- (W7) EXISTING WATER METER TO BE RELOCATED.
- (W8) PRESERVE AND PROTECT EXISTING WATER SERVICE. EXTEND TO PROPERTY LINE IF REQUIRED.

**SANITARY SEWER CONSTRUCTION NOTES:**

- (SS1) INSTALL 8" SEWER MAIN.
- (SS2) INSTALL STANDARD SEWER CLEANOUT.
- (SS3) INSTALL 1000 GALLON SEPTIC TANK AND 4" SEWER LINE.
- (SS4) INSTALL 1500 GALLON SEPTIC TANK AND 4" SEWER LINE.

**UTILITY CONSTRUCTION NOTES:**

- (P1) RELOCATE OVERHEAD POWER LINES. FINAL LOCATION TO BE DETERMINED BY MID STATE ELECTRIC.
- (P2) CONSTRUCT JOINT UTILITY TRENCH.

**UTILITY LEGEND**

	PROJECT PROPERTY LINE
	ADJACENT PROPERTY LINE
	PROPOSED EASEMENT
	SETBACK
	CONCRETE SIDEWALK
	EXISTING CONCRETE SIDEWALK
	AC PAVEMENT
	EXISTING AC PAVEMENT
	6" CONCRETE CURB
	SANITARY SEWER MAIN
	SANITARY SEWER CLEANOUT
	WATER SERVICE
	GATE VALVE
	WATER METER
	FIRE HYDRANT
	UTILITY TRENCH
	OHP - OVERHEAD POWER LINE

BONNIE WAY

FINLEY BUTTE ROAD

ANCHOR WAY

Plan Prepared By:

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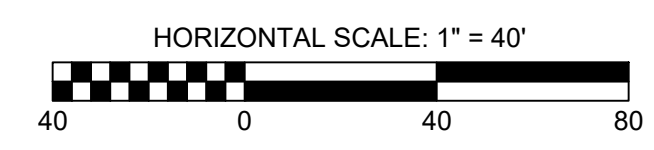
THOMAS M. LORD  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF OREGON  
EXPIRES: 12/31/22

**TRAILHEAD AT ANCHOR WAY**  
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Revisions:

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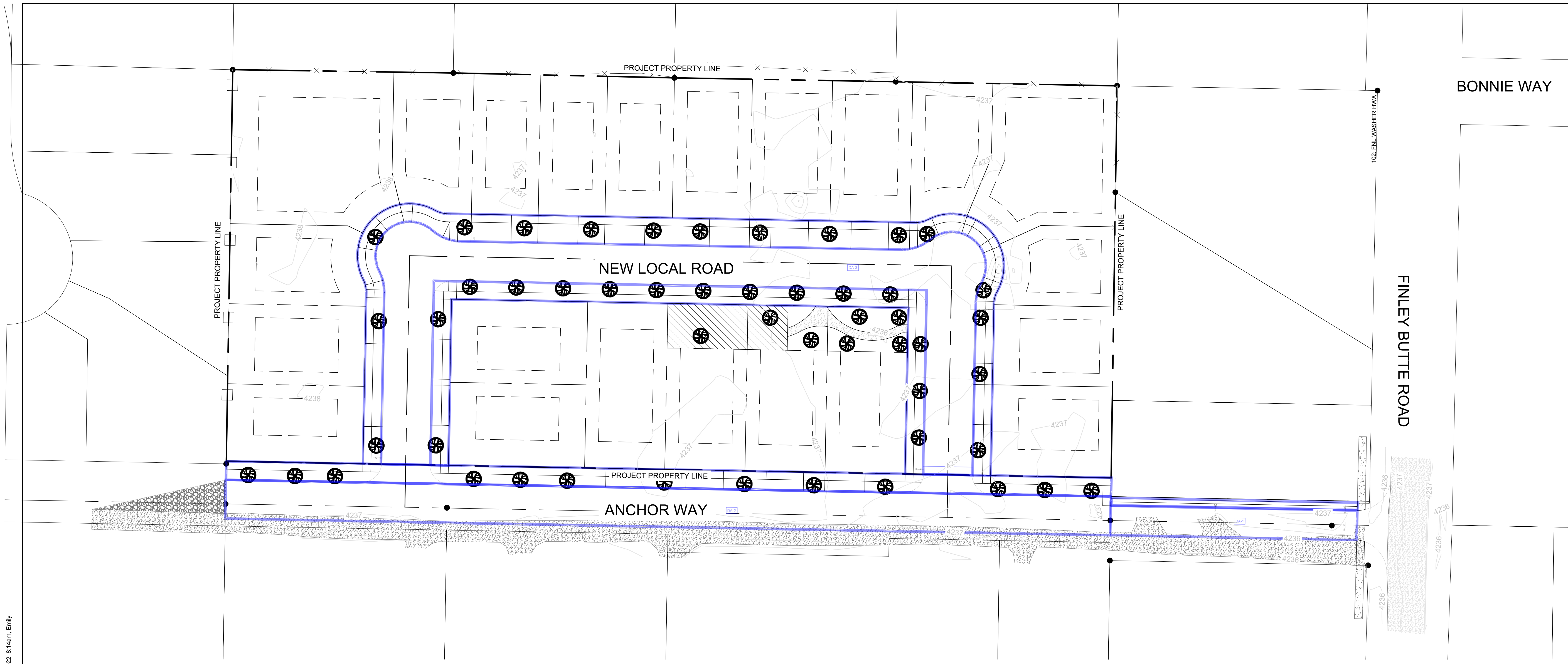
Project Engineer: JWM Ext: 190  
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**GRADING NOTES:**

1. STRUCTURAL FILL WILL BE USED FOR ALL FILL GREATER THAN 2'.
2. ONSITE GRADING SHALL NEVER EXCEED 2:1 CUT/FILL SLOPE.
3. WALLS GREATER THAN 4 FT ARE NOT ANTICIPATED FOR THIS PROJECT.

**DRAINAGE NOTES:**

1. ALL FUTURE RIGHT-OF-WAY RUNOFF WILL BE CAPTURED AND INFILTRATED BY PROPOSED SWALES.
2. DRAINAGE CALCULATIONS AND DESIGNS SHALL FOLLOW THE METHODOLOGIES OUTLINED IN THE COSM AND PER CITY OF BEND STANDARDS AND DETAILS.

**GRADING AND DRAINAGE LEGEND**

	PROPOSED PROJECT PROPERTY LINE
	EXISTING PROJECT PROPERTY LINE
	PROPOSED EASEMENT
	SETBACK
	CONCRETE SIDEWALK
	EXISTING CONCRETE SIDEWALK
	AC PAVEMENT
	EXISTING AC PAVEMENT
	6" CONCRETE CURB
	STORM DRAIN LINE
	CATCH BASIN
	STORM DRAIN MANHOLE
	SWALE
	DRAINAGE BASIN
	PROPOSED MAJOR CONTOUR (5' INTERVAL)
	PROPOSED MINOR CONTOUR (1' INTERVAL)
	MAJOR CONTOUR (5' INTERVAL)
	MINOR CONTOUR (1' INTERVAL)

Basin	Total Area (SF)	Basin IC (SF)	Imperv. CN	Pervious CN	Storm Event					
					6 Mo. Storm Flow/Volume	25 YR Storm Flow/Volume	100 YR Storm Flow/Volume	6 Mo. Storm Flow/Volume	25 YR Storm Flow/Volume	100 YR Storm Flow/Volume
<i>Post-Development</i>										
DA-1	5,085	4,070	98	48	0.06 cfs	301 CF	0.14 cfs	804 CF	0.17 cfs	942 CF
DA-2	28,493	19,235	98	77	0.27 cfs	1476 CF	0.78 cfs	4410 CF	0.93 cfs	5252 CF
DA-3	26,475	24,790	98	77	0.34 cfs	1841 CF	0.90 cfs	5000 CF	1.05 cfs	5858 CF

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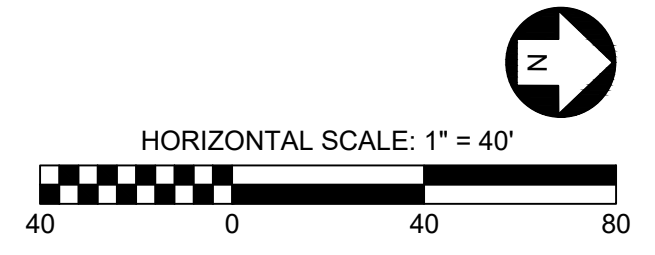
REGISTERED PROFESSIONAL ENGINEER  
M. LORD  
EXPIRES: 12/31/22

**TRAILHEAD AT ANCHOR WAY**  
TENTATIVE GRADING SHEET  
51345,51355,51369,51385 ANCHOR WAY  
LA PINE, OR 97739

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Project Engineer: JWM Ext: 190  
Project Manager: JML  
Date: 6/9/2022 Scale: PER PLAN  
AV Job No: 22204 Sheet Size: 22" x 34"



**C-4.0**



Date:	July 13, 2022
To:	Alexa Repco
From:	Joe Bessman, PE
Project Reference No.:	1762
Project Name:	Anchor Way Subdivision



## PROJECT DESCRIPTION

This memorandum summarizes the transportation impacts of a proposed residential subdivision located in La Pine, Oregon, south of the Finley Butte intersection and west of Anchor Way. The location of the site is shown in Figure 1, comprising 4.51 acres within four separate taxlots that are zoned for *RSF* and *CRMX*, allowing the proposed residential subdivision outright.



Figure 1. Site Vicinity Map. Source: Ashley & Vance Engineering.

This report was prepared to provide the City of La Pine with information on the status and operational characteristics of its transportation system and to provide ODOT information on any impacts to US 97. La

Pine Development Code Section 15.90.080 describes when a traffic impact analysis is required, but provides little detail on the requirements. The City’s adopted Transportation System Plan contains recommended Code language for adoption providing additional clarification, but it does not appear that the City has yet adopted this language into its Development Code. Accordingly, typical TIA information is provided within this document to help the City understand infrastructure conditions and needs. This Transportation Impact Analysis was prepared following scoping materials submitted to the City of La Pine and conversations with staff to establish the study area and parameters.

## PROPOSED DEVELOPMENT PLAN

The proposed subdivision includes a total of 22 lots, as illustrated in Figure 2. Each lot will include a single-family detached residence, a duplex, triplex, or a single-family unit with an accessory dwelling unit, with a breakdown in units as follows:

- Single-family homes: 10 units
- Accessory Dwelling Units: 10 units
- Duplex Units: 22 units
- Triplex Units: 3 units

The lots will be served by a “U” shaped local street network that connects the project into Anchor Way at two separate locations. The connections occur at a 90-degree angle onto a straight and flat roadway segment. Figure 2 illustrates how these connections occur, and the distribution of the various lot types within this residential subdivision.

As part of this development, Anchor Way will be paved along the site frontage. The road is currently a gravel surface, which should be improved to a minimum 22-foot wide pavement section to Finley Butte Road to support the proposed subdivision. A four-foot sidewalk will be extended north beyond the subdivision boundary to Finley Butte Road, connecting to the pathway system.

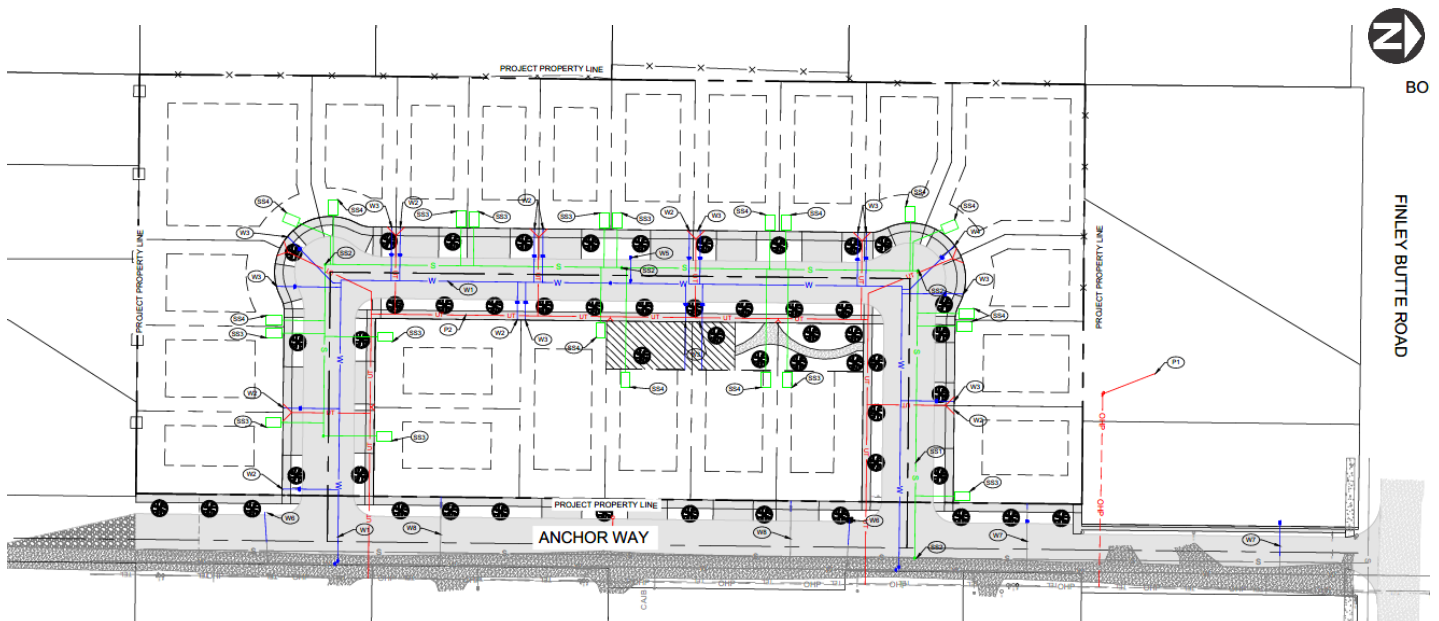


Figure 2. Proposed site layout. Source: Ashley & Vance Engineering.

Four separate roadway cross-sections are also proposed to serve this development. These designs accommodate on-street parallel parking on one or both sides of the street (and show the section north of the subdivision where sidewalks will be extended to Finley Butte Road), as shown in Figures 3 through 6.

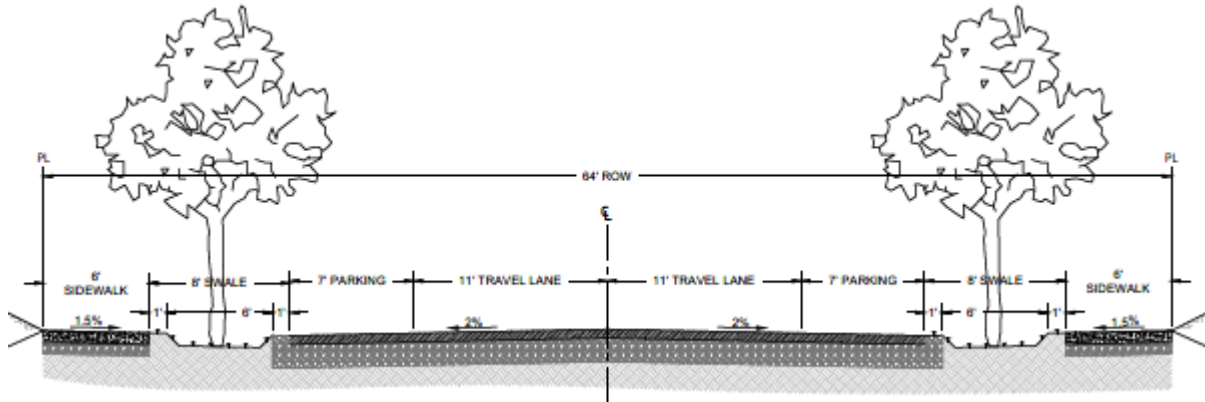


Figure 3. Local Street Section, Parking on Both Sides. Source: Ashley & Vance Engineering.

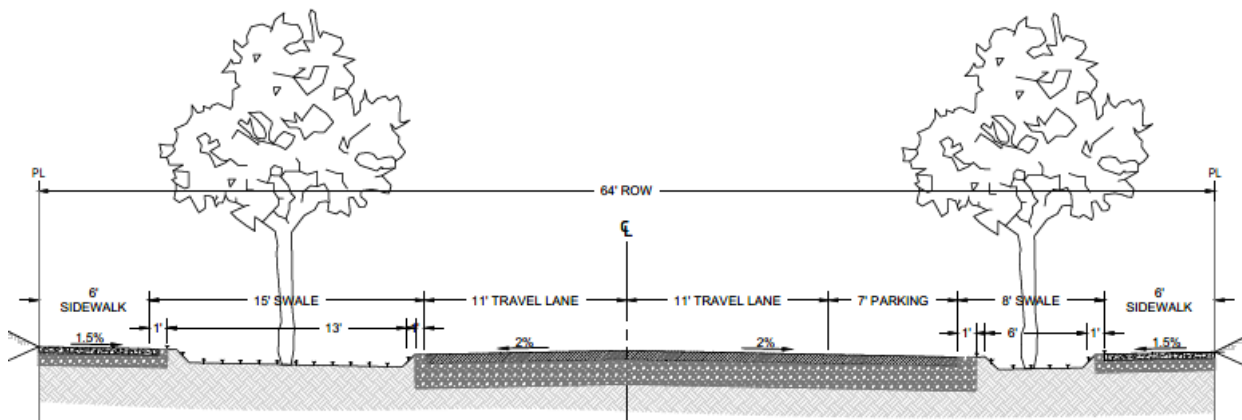


Figure 4. Local Street Section, Parking on East Side Only. Source: Ashley & Vance Engineering.

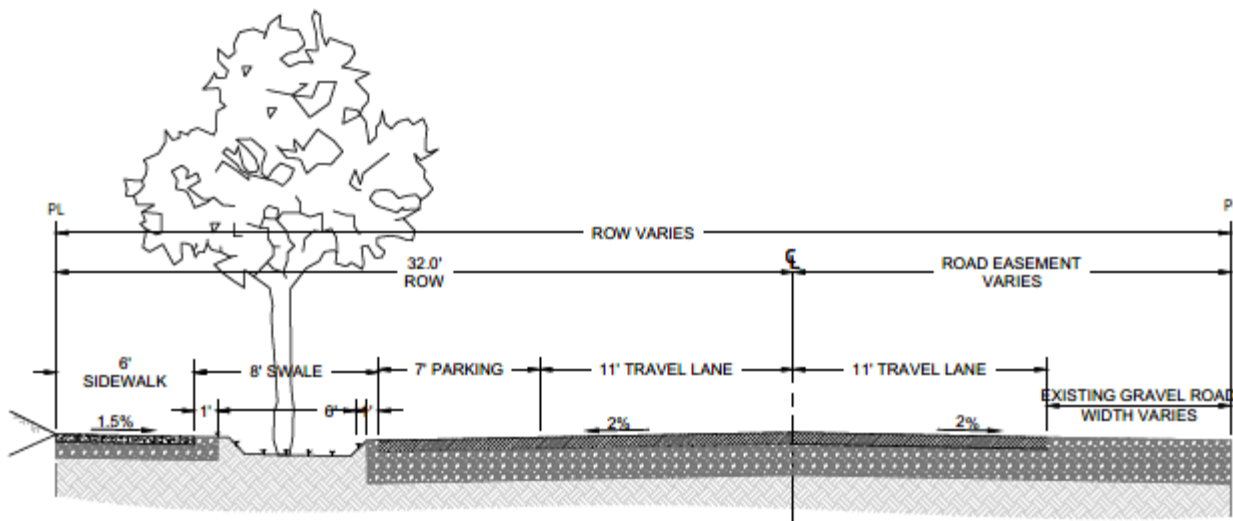


Figure 5. Local Street Section, Parking on West Side Only. Source: Ashley & Vance Engineering.

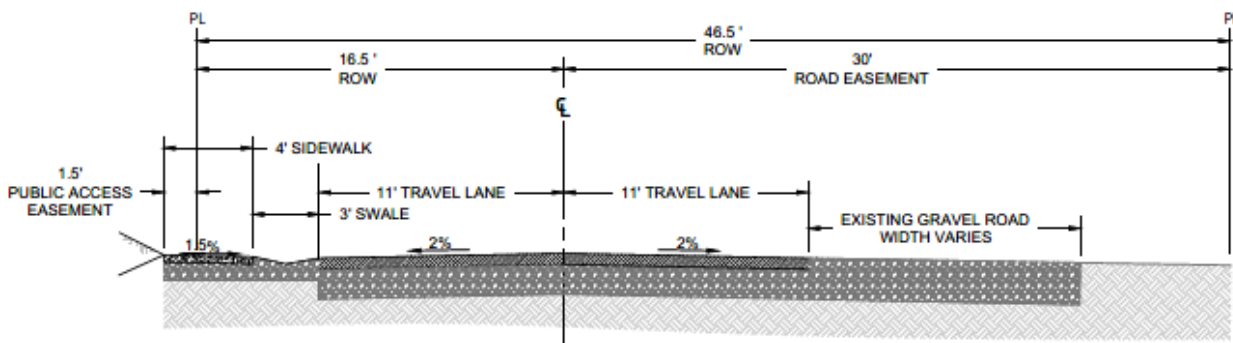


Figure 6. Anchor Way north of the proposed subdivision (new sidewalks on west side of street). Source: Ashley & Vance Engineering.

## TRIP GENERATION

Trip generation estimates for the proposed subdivision were prepared to identify the level of impact that could occur to surrounding study area intersections. With the location of the site in southeast La Pine, all of the trips are expected to travel north toward Finley Butte Road, with the majority of the trips then traveling west toward the US 97 corridor.

Trip generation estimates were developed based on the standard reference *Trip Generation, 11<sup>th</sup> Edition*, published by the Institute of Transportation Engineers (ITE). These estimates were prepared using the following land use classifications for the various types of units:

- **Single Family Detached Residences** (ITE Land Use 210, Single-Family Detached Housing): A single-family detached housing site includes any single-family detached home on an individual lot. A typical site surveyed is a suburban subdivision.
- **Accessory Dwelling Unit:** There is no standard ITE-based data for accessory dwelling units, so data for this use was premised on single-family detached residential uses with an assumed occupancy with each of the units of 1.5 persons.



- Duplex/Triplex Units** (ITE Land Use 215, Single-Family Attached Housing): Single-family attached housing includes any single-family housing unit that shares a wall with an adjoining dwelling unit, whether the walls are for living space, a vehicle garage, or storage space. *The database for this land use includes duplexes (defined as a single structure with two distinct dwelling units, typically joined side-by-side and each with at least one outside entrance) and townhouses/rowhouses (defined as a single structure with three or more distinct dwelling units, joined side-by-side in a row with each with an outside entrance).*

Based on these classifications, trip generation estimates are provided in Table 1.

**Table 1. Trip Generation Estimates (General Urban/Suburban Area Classification)**

Land Use	ITE Code	Metric	Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
Single-Family Detached Housing	210	10 Units	94	9	6	3
Accessory Dwelling Unit	210	15 Persons	40	4	3	1
Single-Family Attached Housing	215	25 Units	180	14	8	6
<b>Total Trips</b>			<b>314</b>	<b>27</b>	<b>17</b>	<b>10</b>

City of La Pine Transportation Impact Analysis requirements are included within the Appendices of the adopted Transportation System Plan. These requirements were prepared prior to the “clear and objective” requirements and have not been formally adopted into the City’s Development Code. However, the standards cite that a formal Transportation Impact Analysis is required for any development that generates more than 200 weekday daily trips, or more than 20 weekday p.m. peak hour trips. This level of trips will trigger this formal analysis which will be provided under separate cover.

## TRIP DISTRIBUTION AND ASSIGNMENT

Site-generated trips will distribute to the surrounding roadway system based on the location of area attractions and destinations. Anchor Way only provides a single outlet onto Finley Butte Road, so all site-generated trips will travel to and from the north. With the location of the US 97 corridor to the west, based on review of area traffic counts it is estimated that 90% of travel will be to the west with 10% toward the employment uses toward the east. These trip distribution patterns, and the assignment of the site-generated trips to the system, are shown in Figure 7.

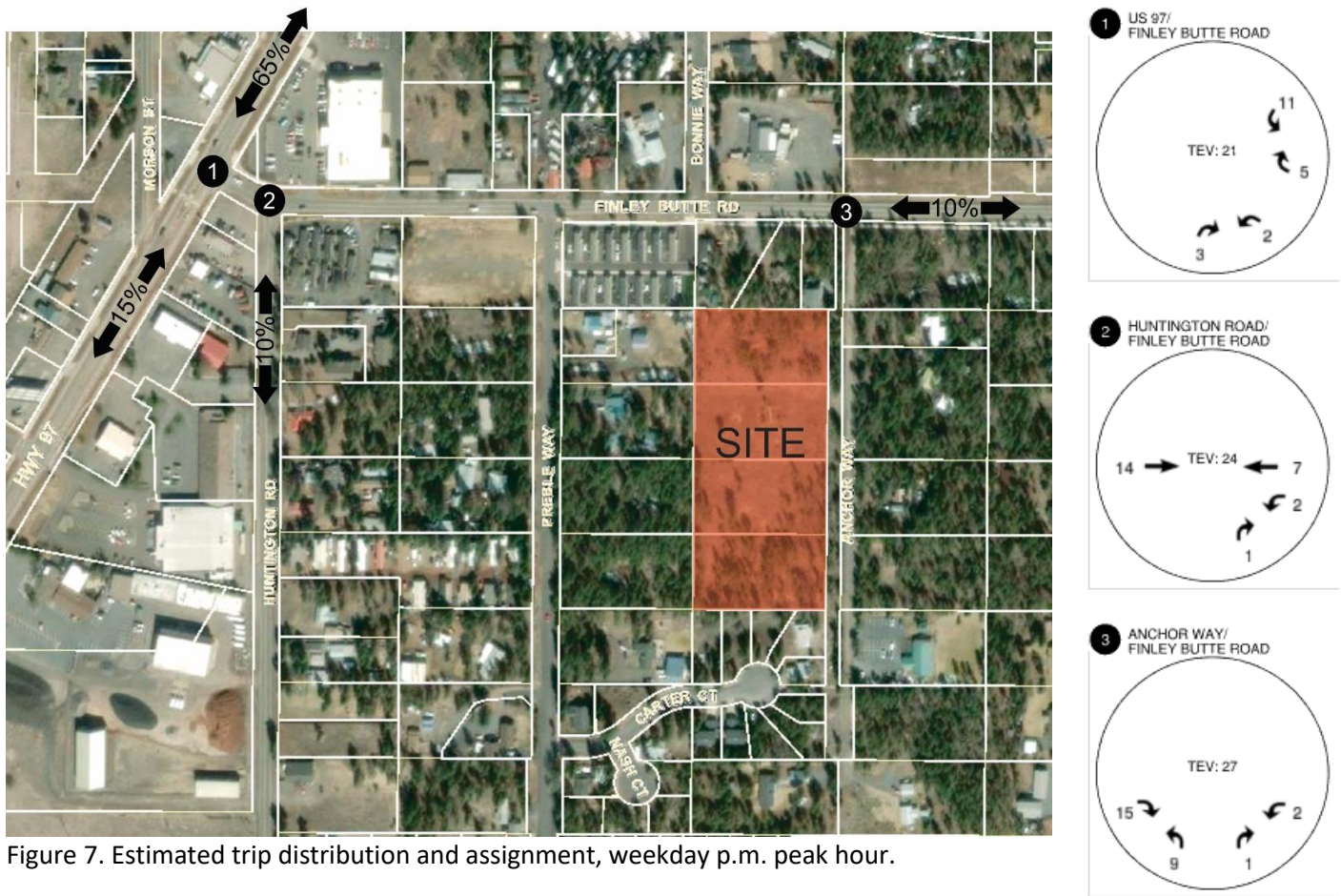


Figure 7. Estimated trip distribution and assignment, weekday p.m. peak hour.

The locations shown in Figure 7 are the only classified intersections that would be impacted by more than 20 weekday p.m. peak hour trips and so are included within this TIA.

### TRAFFIC SAFETY

Crash records were obtained for all of Deschutes County from the ODOT crash database for the five-year period between January 2016 and December 2020. Crashes required for reporting during this period include those involving any level of personal injury or property damage exceeding \$1,500 prior to 2018 and \$2,500 after 2018. Table 2 summarizes the crash experience at the study area intersections. This shows that there have only been crashes reported at the US 97/Finley Butte intersection, with no reported crashes at the Finley Butte Road/Huntington Road intersection of the Finley Butte Road/Anchor Way intersection within the past five years.

**Table 2. Summary of Reported Crashes, January 2016 to December 2020**

Intersection	Number of Crashes	Crash Severity			Crash Rate per MEV <sup>1</sup>	> Statewide 90 <sup>th</sup> Percentile Crash Rate?
		Fatal	Injury	Non-Injury		
US 97/ Finley Butte Road	8	0	5	3	0.33	No
S Huntington Road/ Finley Butte Road	0	0	0	0	0.00	No
Finley Butte Road/ Anchor Way	0	0	0	0	0.00	No

<sup>1</sup>MEV: Million Entering Vehicles

Review of the reported crash trends at the US 97/Finley Butte intersection did not identify any specific patterns by overall crash type, seasonal characteristics, time of day, or weather conditions. The crashes have included two collisions per year with exception of 2018 (none were reported), and are evenly spread throughout the days of the week and months of the year. The reported crashes included two rear-end collisions, four turning/angle collisions, and two sideswipe crashes, resulting in one minor injury, 4 possible injuries, and 11 persons with no injury. Snow was only reported as a contributing factor in one of the collisions (the vehicle could not stop and skidded into the highway).

It is recommended that the City continue to monitor this intersection to assess when additional capacity improvements (such as the signalization project identified in the City’s Transportation System Plan) should proceed forward.

## INTERSECTION SIGHT DISTANCE

The proposed subdivision will connect to the public street network through an improved section of Anchor Way. Sight distance was field reviewed at the connection to Finley Butte Road in July 2022 to ensure that clear sight lines are available at this location.

Sight distance information and minimum recommendations are based on the standard reference *A Policy on Geometric Design of Highways and Streets, 6<sup>th</sup> Edition* published by the American Association of State Highway and Transportation Officials (AASHTO) in 2011, commonly referred to as the *Green Book*.

### Intersection Sight Triangles

Given the minor-street stop-control that is in place at the Anchor Way connection to Finley Butte Road, sight triangles were developed based on guidance cited within Conditions B1 (left-turn from minor road) and B2 (right-turn from minor road) of the *Green Book*. All distances were measured from a vertex point located 14.5 feet from the major-road travel way along the center of the approaching travel lane, accounting for comfortable positioning distance from the travel way (6.5 feet) and the distance from the front of the vehicle to the driver eye (8.0 feet). The assumed eye height is 3.5 feet above the departing road and the object height is also 3.5 feet above the major road, providing enough space on the approaching vehicle to recognize it.

Intersection sight triangles vary based on the speed of the roadway and the number of travel lanes that a driver must cross. Based on the posted speed of 35 mph and the two-lane cross-section on Finley Butte Road, Figure 8 illustrates the minimum recommended intersection sight distance measurements at the Anchor Way/Finley Butte Road intersection.

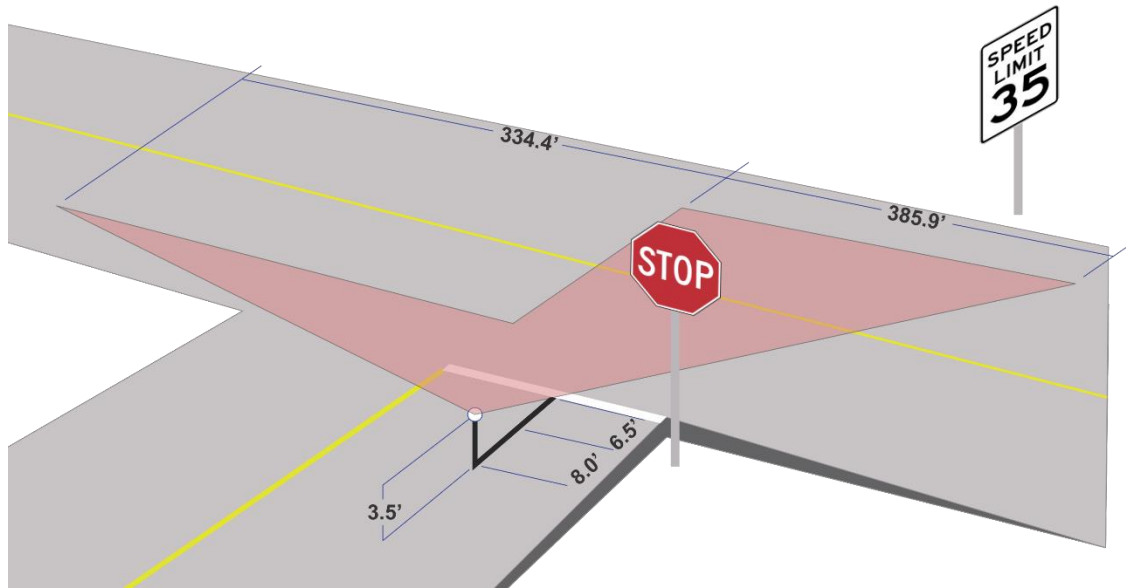


Figure 8. Intersection Sight Triangle Measurements for Case B1 (Left-Turn from Stop) and Case B2 (Right-Turn from Stop).

*Case B1: Left-Turn From Stop*

Recommended intersection sight distances are based on the distance an approaching vehicle travels during the time it takes a side-street vehicle to make a decision and safely accelerate into the travel lane without unduly interfering with major-street traffic. Given the generally flat slopes and two-lane cross-section, a time gap of 7.5 seconds was applied based on a typical passenger car. AASHTO Formula 9-1 summarizes the recommended sight distances.

$$\text{Intersection Sight Distance} = 1.47 V_{\text{major (mph)}} t_{\text{gap (sec)}} = 385.9 \text{ feet}$$

As illustrated in Figure 9, clear sight lines toward the right (east) are available to accommodate left-turns from Anchor Way. With the setback pathway along the south side of the road, drivers will likely encroach into the pathway after stopping. Accordingly, it is recommended that a supplemental stop bar be striped at the intersection to help enforce yielding to pathway users before proceeding through the intersection.





Figure 9. View from Anchor Way facing east along Finley Butte Road.

*Case B2: Right Turn from the Minor Road*

Views for vehicles exiting the site toward the drivers' left must be adequate to accommodate a right-turn. The right-turn maneuver requires that the driver select a gap, enter, and accelerate along the road. A time gap of 6.5 seconds is applied to account for this maneuver, reflecting the shorter distance of crossing into a single lane and the shorter time gap acceptance by drivers turning right. Figure 10 illustrates the current views in this direction.

$$\text{Intersection Sight Distance} = 1.47 V_{\text{major (mph)}} t_{\text{gap (sec)}} = 334.4 \text{ feet}$$

As shown in Figures 9 and 10, adequate sight lines are available in both directions from Anchor Way onto Finley Butte Road. Accordingly, recommended sight distance criteria are met at the Finley Butte Road/Anchor Way intersection.



Figure 10. View west along Finley Butte Road at Anchor Way.

## TRAFFIC OPERATIONS

The analysis of traffic operations was prepared using Synchro 10 software and the Highway Capacity Manual 6<sup>th</sup> Edition methodology. All traffic operations within this report reflect peak fifteen-minute conditions during the peak hour. The study intersections are under the jurisdiction of the City of La Pine, Deschutes County, and ODOT so operational standards of all affected agencies were applied within this analysis to the respective facilities.

### Existing Traffic Conditions

Traffic counts were collected at the study area intersections in mid-June 2022, capturing summertime travel along the highway corridor. The counts show that the peak hour on the highway and Huntington Road occurred between 4:00 p.m. and 5:00 p.m., with a later peak between 4:50 and 5:50 on Finley Butte Road outside of the US 97 influence.

Seasonal adjustment factors were applied to the highway system based on data from ODOT's nearest permanent count station (ATR 09-003, located 0.17 miles south of China Hat Road). This permanent count station is the only count station between Bend and La Pine. A second permanent count station is located south of La Pine, but travel patterns between La Pine and Klamath Falls are not likely to reflect the intercity commute patterns that are more consistent toward the north. No adjustments were applied to Finley Butte Road, as patterns within the City boundaries fluctuate less than the intercity patterns on US 97. Table 3 shows the ATR adjustments following the ODOT procedures, showing that June counts are about 6% less than conditions in the month of July.

**Table 3. ATR 09-003 Seasonal Adjustments (2015 to 2019)**

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2019	85	72	89	100	108	121	128	126	115	105	91	90
2018	83	85	93	100	107	119	126	123	112	103	94	87
2017	70	82	91	99	108	121	130	130	111	105	93	92
2016	78	90	97	104	111	124	129	116	104	100	86	83
2015	76	82	89	93	107	128	139	132	110	101	85	84
3-Yr Avg	79.0	83.0	91.0	99.7	107.7	122.0	129.0	126.3	111.0	103.0	90.0	87.0
Adj Factor	63%	55%	42%	29%	20%	6%	0%	2%	16%	25%	43%	48%

Gray shading highlights minimum and maximum values that were excluded from the average to account for construction activities and other anomalies during the five-year period.

The resulting seasonally-adjusted year 2022 traffic volumes during the weekday p.m. peak hour are illustrated in Figure 11. In addition to the traffic volumes, items of note within this dataset include the following:

- Trucks comprise about 10% of the traffic flow on US 97
- There were nine pedestrians reported along the southern Finley Butte Road pathway during the peak hour
- No cyclists were observed during the peak hour
- The traffic volume on US 97 was evenly split between northbound and southbound movements. A slight southbound bias is present north of Finley Butte Road.

### Future Year 2024 Conditions (Without Project)

An analysis of year 2024 no-build traffic conditions was prepared to provide a basis of comparison to the “with project” conditions. This scenario includes application of a two-percent annual growth rate to account for regional growth throughout the study area, an account of previously approved but not constructed developments, and planned and funded roadway changes.

Approved developments of significance within the study area include the Evans Way Estates Subdivision to the east. The Huntington Meadows subdivision appeared mostly built-out, with the remaining impact captured by the applied growth rate. There were no publicly- or privately-funded transportation improvement projects identified within the study area, so it was assumed that the existing infrastructure will remain in place in both the year 2024 “no-build” and “with project” analyses. Figure 11 shows the resultant traffic volumes throughout the study area intersections.

### Year 2024 “With Project” Traffic Conditions

Analysis of the year 2024 “With Project” conditions was prepared by adding the site-generated trips to the traffic volumes identified within the “No Build” scenario. Figure 11 illustrates the resultant traffic volumes. A summary of intersection operations is provided in Table 4, which shows that all of the City intersections operate well within their carrying capacity, but the connection of Finley Butte to US 97 operates with high summertime delays under existing conditions. In year 2022 with or without the project the intersection operates at a Level of Service “F” and over its carrying capacity. Further discussion of this intersection is provided below.



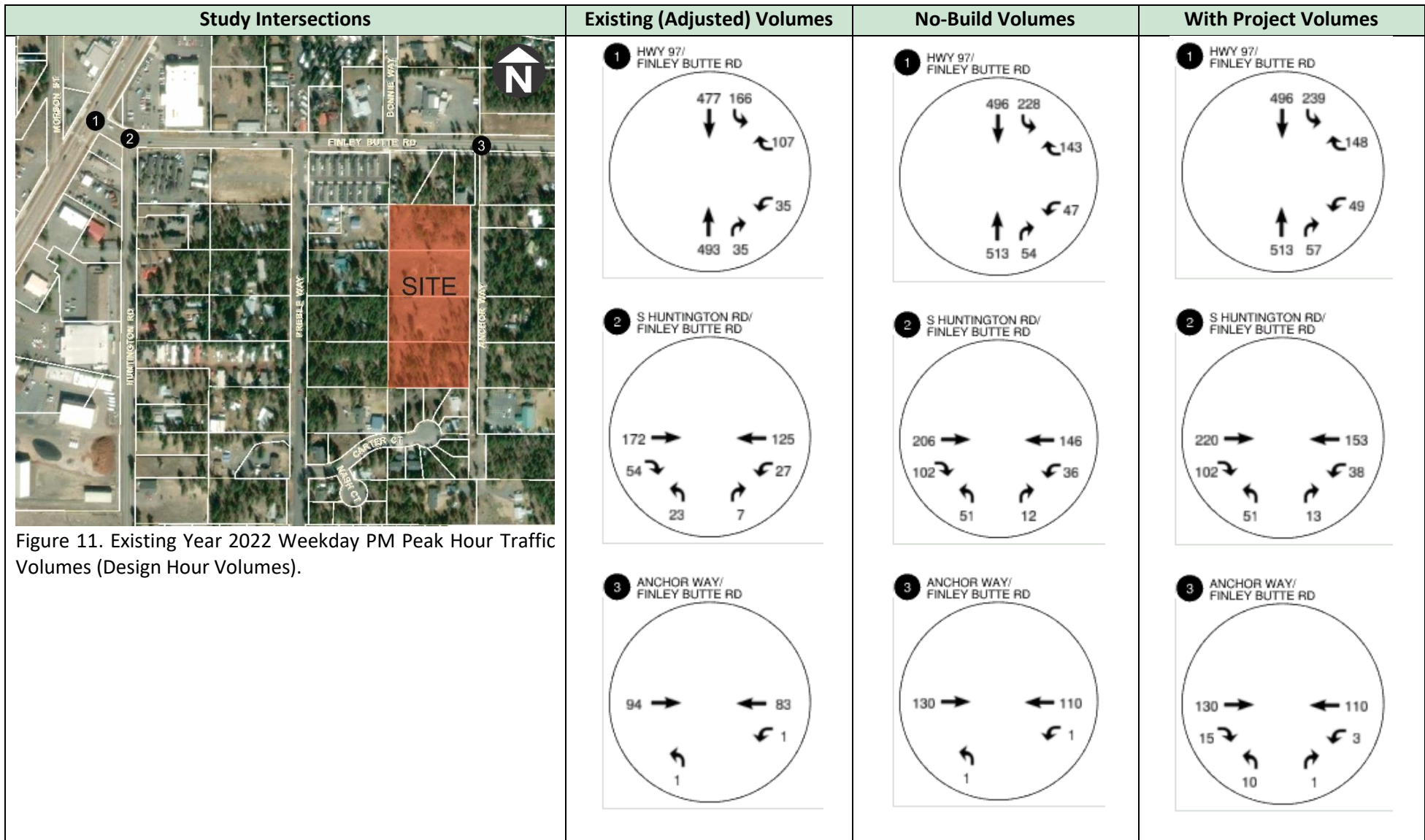


Figure 11. Existing Year 2022 Weekday PM Peak Hour Traffic Volumes (Design Hour Volumes).



**Table 4. Summary of Intersection Operations, Seasonally Adjusted Weekday PM Peak Hour**

Intersection	Jurisdiction	Performance Standard	Critical Movement	Existing Conditions			No-Build Conditions			With Project Conditions			Acceptable?
				LOS	Delay (sec)	v/c Ratio	LOS	Delay (sec)	v/c Ratio	LOS	Delay (sec)	v/c Ratio	
US 97/ Finley Butte Road	ODOT	v/c < 0.95	WB LR	LOS E	35.4 s	0.59	LOS F	>100 s	1.02	LOS F	>100 s	1.10	No
S Huntington Road/ Finley Butte Road	City of La Pine	v/c < 0.90 LOS E	NB LR	LOS B	11.4 s	0.06	LOS B	13.4 s	0.15	LOS B	13.8 s	0.16	Yes
Anchor Way/ Finley Butte Road	City of La Pine	v/c < 0.90 LOS E	NB LTR	LOS B	10.4 s	0.01	LOS B	11.2 s	0.01	LOS B	11.4 s	0.03	Yes

## US 97/Finley Butte Road Intersection

The three-legged US 97/Finley Butte Road intersection was previously discussed in depth within the Transportation Impact Analysis for the Evans Way Estates subdivision. This analysis, using more recent traffic counts and smaller seasonal adjustments shows better operational conditions at the US 97/Finley Butte intersection than these prior studies. However, the overall results are the same.

As shown in Figure 12, the US 97/Finley Butte Road intersection is intended to form a portion of the eastern loop around the City, with a realigned Morson Street and a traffic signal. This is to address peak seasonal delays accessing or crossing the highway and includes realigning Morson Street. The identified costs for this overall improvement were identified as \$840,000, but this cost does not include right-of-way or utility relocations, and current construction costs with inflation are likely to be closer to the \$2M

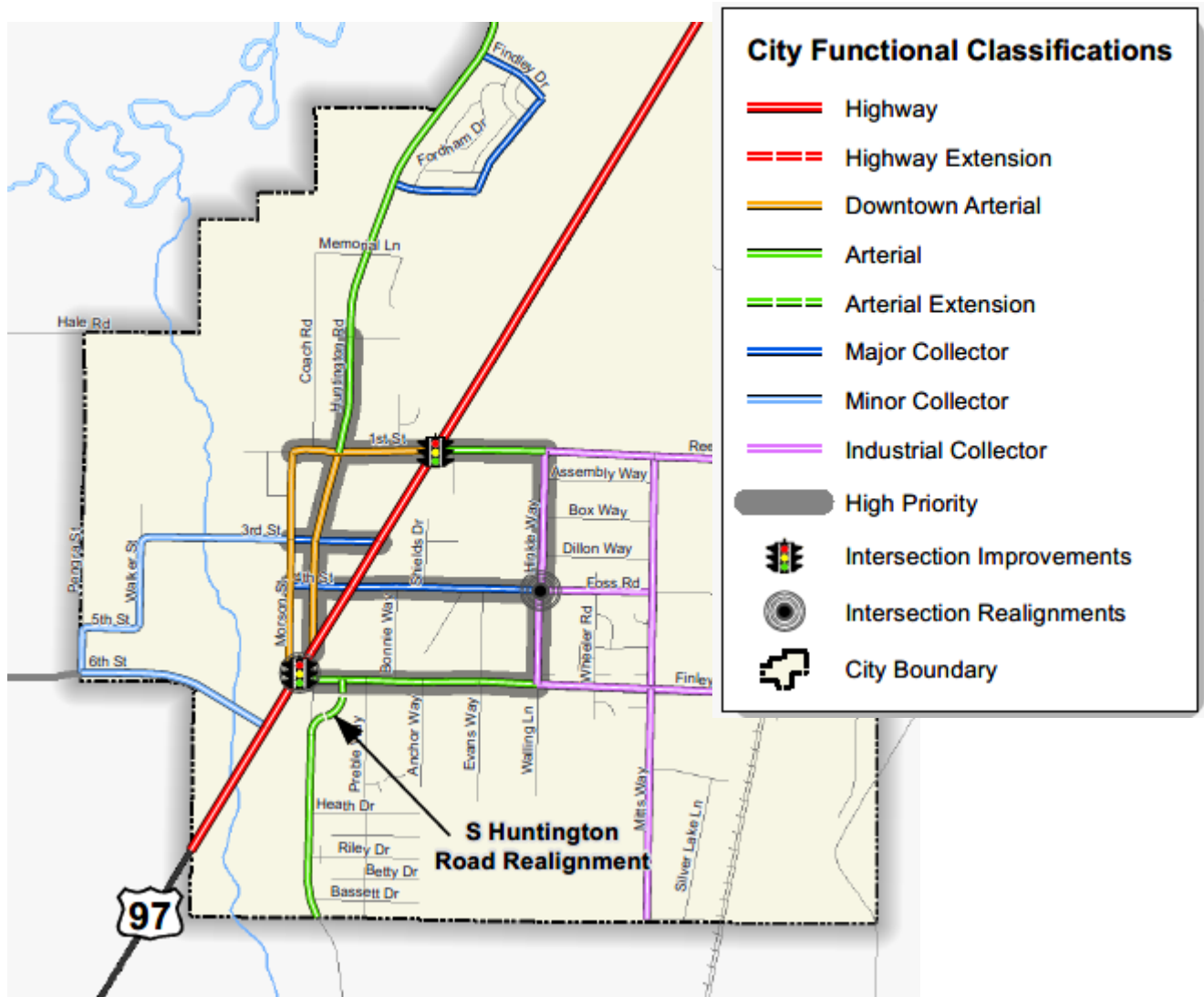


Figure 12. Roadway Functional Classification.  
 Source: City of La Pine Transportation System Plan, Figure 4-3.

range excluding right-of-way. The completion of this project was intended to occur in conjunction with signalization of the US 97/1<sup>st</sup> Street-Reed Road intersection to support overall growth and development in La Pine’s core area.

ODOT recently installed a raised pedestrian crossing on the south side of the intersection (along with other crossings throughout the City). While these pedestrian connections are consistent with an identified connectivity and highway crossing need in La Pine, the provision of this median now prevents use of the center median area for two-stage left-turns, increasing the delays experienced by minor-street drivers and increasing the priority for signalization. The raised pedestrian median will need to be removed to support the planned signalization and realignment with Morson Street, as this space will serve as the future left-turn bay (a signalized crossing will still be provided).

### US 97/Finley Butte Road Timing and Alternatives

This section updates the previous review regarding the need and timing of the signalization project to help inform City and ODOT planning, and to identify potential alternatives to pursuing the previously identified signalization project.

#### MUTCD Signal Warrants

The Manual on Uniform Traffic Control Devices (MUTCD) published by the American Association of State Highway Transportation Officials identifies when the minimum thresholds are met to consider signalization. There are nine separate warrant criteria as listed below:

1. Warrant 1, Eight-Hour Vehicular Volume
2. Warrant 2, Four-Hour Vehicular Volume
3. Warrant 3, Peak Hour
4. Warrant 4, Pedestrian Volume
5. Warrant 5, School Crossing
6. Warrant 6, Coordinated Signal System
7. Warrant 7, Crash Experience
8. Warrant 8, Roadway Network
9. Warrant 9, Intersection Near a Grade Crossing

For planning purposes only volume-based signal warrants 1, 2, and 3 were reviewed based on extrapolation of peak hour volumes. Again, these estimates include seasonal factors on the highway to adjust to peak summertime travel conditions. Signal warrants provide discretion as to whether the lower-delay right-turn movements should be considered. Currently the left- and right-turns occur from the same shared lane, so for this analysis were fully accounted for. A summary of the warrants is provided in Table 5, which shows all volume-based warrants are met even without an account of the volumes a realignment with Morson Street would add with the existing and future 2024 traffic volumes.

**Table 5. MUTCD Signal Warrant Review – US 97/Finley Butte Road**

Scenario	Warrant 1: Eight Hour Volume	Warrant 2: Four Hour Volume	Warrant 3: Peak Hour Volume
2022 Existing Conditions	Yes	Yes	Yes
2024 No-Build Conditions	Yes	Yes	Yes
2024 With Project Conditions	Yes	Yes	Yes

Mitigation measures at the intersection are fairly limited given the current intersection configuration and recent addition of a raised pedestrian crossing on the south side of the intersection and new curbs and sidewalks along US 97 (see Figure 13). Due to costs and right-of-way needs signalization of the intersection

will require a more involved project likely with the support of ODOT and Deschutes County, particularly as this needs to incorporate a realignment of Morson Street through private property.



Figure 13. US 97/Finley Butte Road intersection facing south showing the newly installed raised pedestrian refuge island and sidewalks.

The City of La Pine recently adopted a new Capital Improvement Plan which was then used as the basis for a newly implemented Transportation SDC. Instead of only assessing costs to projects that reach a specific trigger, this methodology provides a more equitable approach where all citywide development helps contribute towards system needs. The first project on the City’s CIP identifies the improvements to the US 97/Finley Butte intersection, as shown in Figure 14, which includes intersection realignment and signalization. This project was identified as “capacity increasing” and therefore included within the City’s SDC cost basis.

Project No.	Project (Road) Name	Project Priority	Total Estimated Cost (Includes ROW)	Funding Agencies Cost Responsibilities				City Allocated Total Cost	SDC Eligible Costs	SDC Ineligible Costs
				Private	City	County	ODOT			
1	Finley Butte Improvements	Near-Term	\$ 1,238,000	\$ -	\$ 412,667	\$ 412,667	\$ 412,667	\$ 412,667	\$ -	
2	Skidgel Road	Near-Term	5,416,000	-	5,416,000	-	-	5,416,000	2,708,000	

Figure 14. Excerpt from the City of La Pine CIP (adopted through Resolution 2020-05).

The payment of Transportation SDC fees with future development of the subdivision will provide funding for this intersection improvement. No additional contributions or mitigation measures should be required.

## FINDINGS AND RECOMMENDATIONS

Based on this review, the extension of local streets and development of the planned residential subdivision can occur in compliance with City requirements. As previously identified, there are improvement needs at the US 97/Finley Butte – Morson Street intersection to address roadway alignments and long-term capacity needs for the overall City of La Pine. Summertime delays at this intersection are near Level of Service “F” for the minor westbound movements, and the installation of a pedestrian crossing refuge supports multimodal connections as an interim treatment but conflicts with the identified signalization plan. The City’s recently adopted Transportation SDC was intended to provide City funds toward this and other projects of citywide significance.

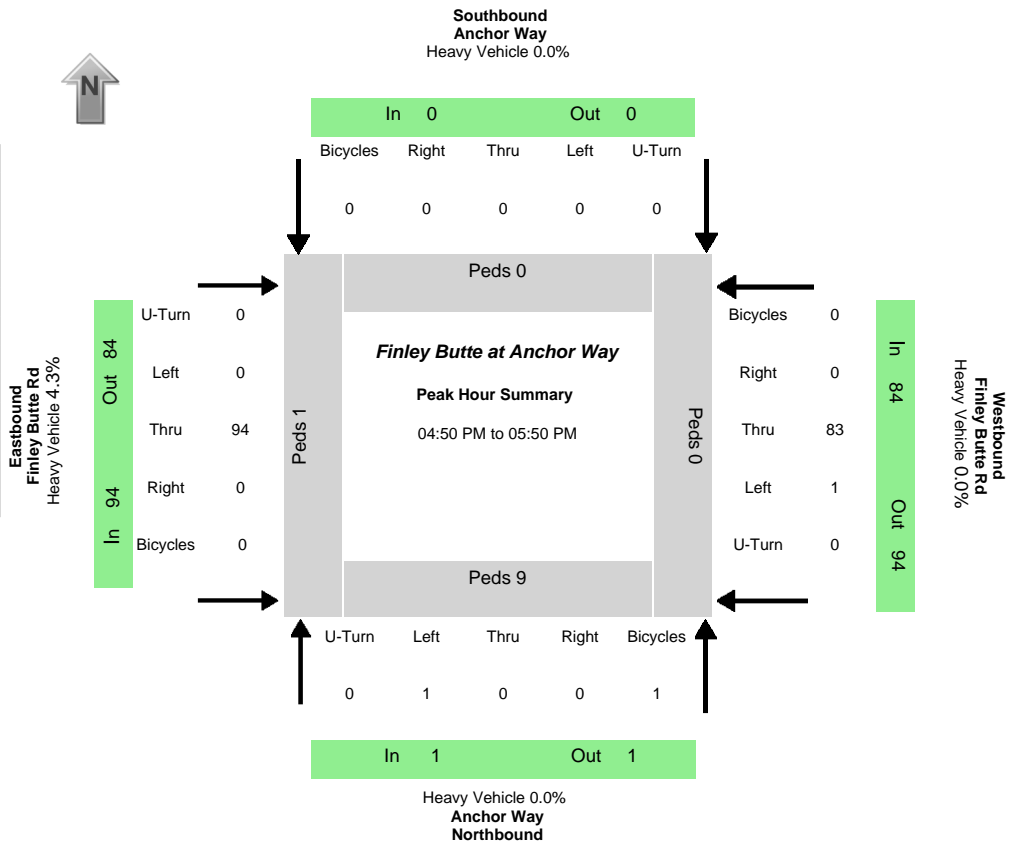
- Anchor Way should include pavement that extends north of the site frontage to the Finley Butte intersection. The improvements should ensure that the Finley Butte pathway ramps maintain ADA compliance, and should include a walkway along the west side of the new street connecting to the Finley Butte path, as shown in the civil plans.
- City streetscape sections should conform to adopted City standards as identified within the Transportation System Plan and include 36-foot wide street sections to support on-street parking on both sides of the street. In areas with parking on only one side of the street a seven-foot narrower section is proposed, which meets the intent of the standard.
- Accessible crossings should be provided at all intersections within the subdivision, and all adjacent roadway stubs should be extended as identified in the proposed development plan.
- All “T” approaches within the subdivision should be stop-sign controlled to provide clear designation of roadway right-of-way.
- Fencing, utilities, landscaping, and other above-ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.
- While the City of La Pine does not have adopted TIA requirements that would comply with the required “Clear and Objective” standards, for informational purposes analysis was conducted at nearby intersections. This showed that all of the intersections operate acceptably with exception of US 97/Finley Butte Road. Realignment and signalization of this intersection is listed on the City’s Capital Improvement Program, and payment of Transportation SDC fees will contribute toward this critical City need. The intersection already meets MUTCD Signal Warrant thresholds with existing volumes.

Please let me know if you have any questions or comments on these transportation materials at (503) 997-4473 or via email at [joe@transightconsulting.com](mailto:joe@transightconsulting.com).

### Attachments:

- Traffic Count Worksheets
- Safety Worksheets
- Level of Service Worksheets
- MUTCD Signal Warrant Summary

Data Provided by K-D-N.com 503-594-4224	
N/S street	<b>Anchor Way</b>
E/W street	<b>Finley Butte Rd</b>
City, State	La Pine OR
Site Notes	
Location	43.667338 - -121.500581
Start Date	Tuesday, June 14, 2022
Start Time	04:00:00 PM
Weather	
Study ID #	
<b>Peak Hour Start</b>	<b>04:50:00 PM</b>
<b>Peak 15 Min Start</b>	<b>05:30:00 PM</b>
<b>PHF (15-Min Int)</b>	<b>0.66</b>



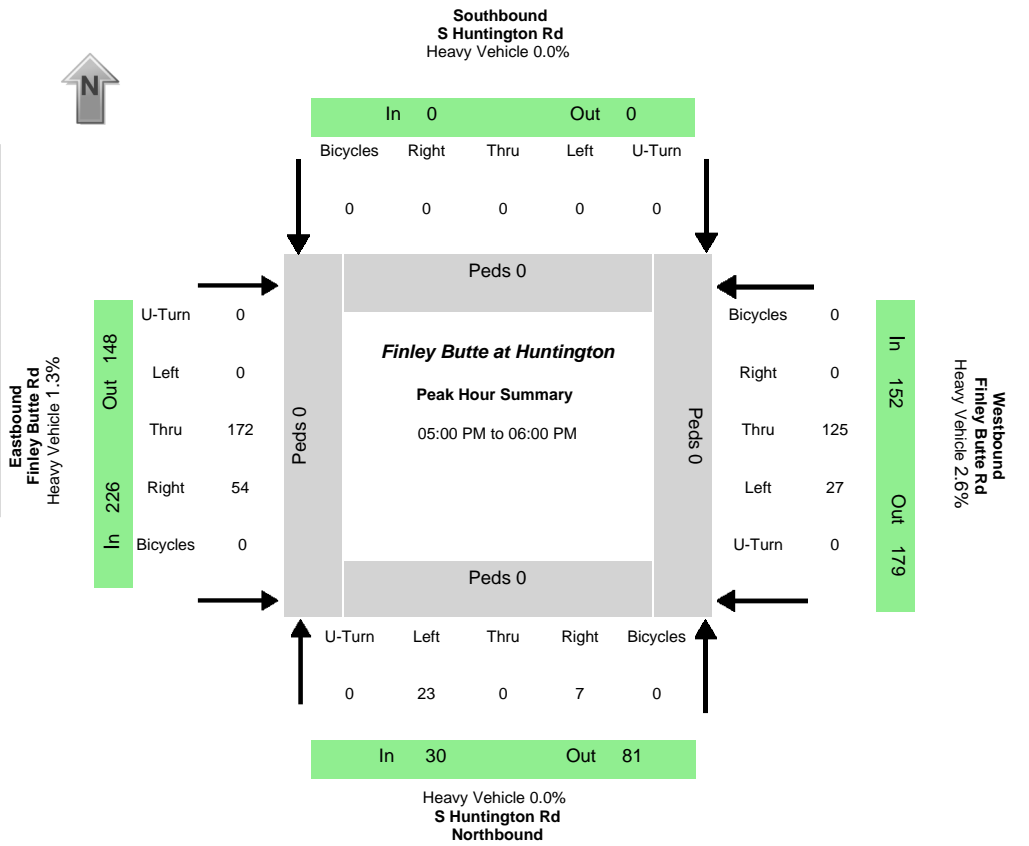
Peak-Hour Volumes (PHV)																							
Northbound				Southbound				Eastbound				Westbound				Entering				Leaving			
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	NB	SB	EB	WB	NB	SB	EB	WB
1	0	0	0	0	0	0	0	0	94	0	0	1	83	0	0	1	0	94	84	1	0	84	94
Percent Heavy Vehicles																							
0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4.3%	0.0%	0.0%	0.0%	0.0%	4.3%

PHV - Bicycles														PHV - Pedestrians							
Northbound				Southbound				Eastbound				Westbound				in Crosswalk					
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	NB	SB	EB	WB	Sum
0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	9	0	1	0	10

Time	Northbound Anchor Way				Southbound Anchor Way				Eastbound Finley Butte Rd				Westbound Finley Butte Rd				15 Min Sum	1 HR Sum	
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn			
04:00:00 PM	0	0	0	0	0	0	0	0	0	6	0	0	0	0	9	0	0		
04:05:00 PM	0	0	0	0	0	0	0	0	0	3	0	0	0	0	5	0	0		
04:10:00 PM	0	0	0	0	0	0	0	0	0	9	1	0	0	0	6	0	0	39	
04:15:00 PM	1	0	0	0	0	0	0	0	0	5	0	0	0	0	2	0	0	32	
04:20:00 PM	0	0	0	0	0	0	0	0	0	5	0	0	0	0	4	0	0	33	
04:25:00 PM	0	0	0	0	0	0	0	0	0	13	0	0	0	0	5	0	0	35	
04:30:00 PM	0	0	0	0	0	0	0	0	0	9	0	0	0	0	5	0	0	41	
04:35:00 PM	0	0	0	0	0	0	0	0	0	6	0	0	0	0	14	0	0	52	
04:40:00 PM	0	0	0	0	0	0	0	0	0	6	0	0	0	0	5	0	0	45	
04:45:00 PM	0	0	0	0	0	0	0	0	0	7	0	0	0	0	7	0	0	45	
04:50:00 PM	1	0	0	0	0	0	0	0	0	10	0	0	0	1	5	0	0	42	
04:55:00 PM	0	0	0	0	0	0	0	0	0	12	0	0	0	0	4	0	0	47	166
05:00:00 PM	0	0	0	0	0	0	0	0	0	5	0	0	0	0	4	0	0	42	160
05:05:00 PM	0	0	0	0	0	0	0	0	0	9	0	0	0	0	3	0	0	37	164
05:10:00 PM	0	0	0	0	0	0	0	0	0	11	0	0	0	0	3	0	0	35	162
05:15:00 PM	0	0	0	0	0	0	0	0	0	8	0	0	0	0	3	0	0	37	165
05:20:00 PM	0	0	0	0	0	0	0	0	0	5	0	0	0	0	4	0	0	34	165
05:25:00 PM	0	0	0	0	0	0	0	0	0	4	0	0	0	0	2	0	0	26	153
05:30:00 PM	0	0	0	0	0	0	0	0	0	7	0	0	0	0	20	0	0	42	166
05:35:00 PM	0	0	0	0	0	0	0	0	0	9	0	0	0	0	21	0	0	63	176
05:40:00 PM	0	0	0	0	0	0	0	0	0	4	0	0	0	0	7	0	0	68	176
05:45:00 PM	0	0	0	0	0	0	0	0	0	10	0	0	0	0	7	0	0	58	179
05:50:00 PM	0	0	0	0	0	0	0	0	0	9	0	0	0	0	8	0	0	45	179
05:55:00 PM	0	0	0	0	0	0	0	0	0	9	0	0	0	0	3	0	0	46	175

Data Provided by K-D-N.com 503-594-4224

N/S street	S Huntington Rd
E/W street	Finley Butte Rd
City, State	La Pine OR
Site Notes	
Location	43.667387 - -121.505482
Start Date	Tuesday, June 14, 2022
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Study ID #	
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Peak 15 Min Start	05:30:00 PM
PHF (15-Min Int)	0.84



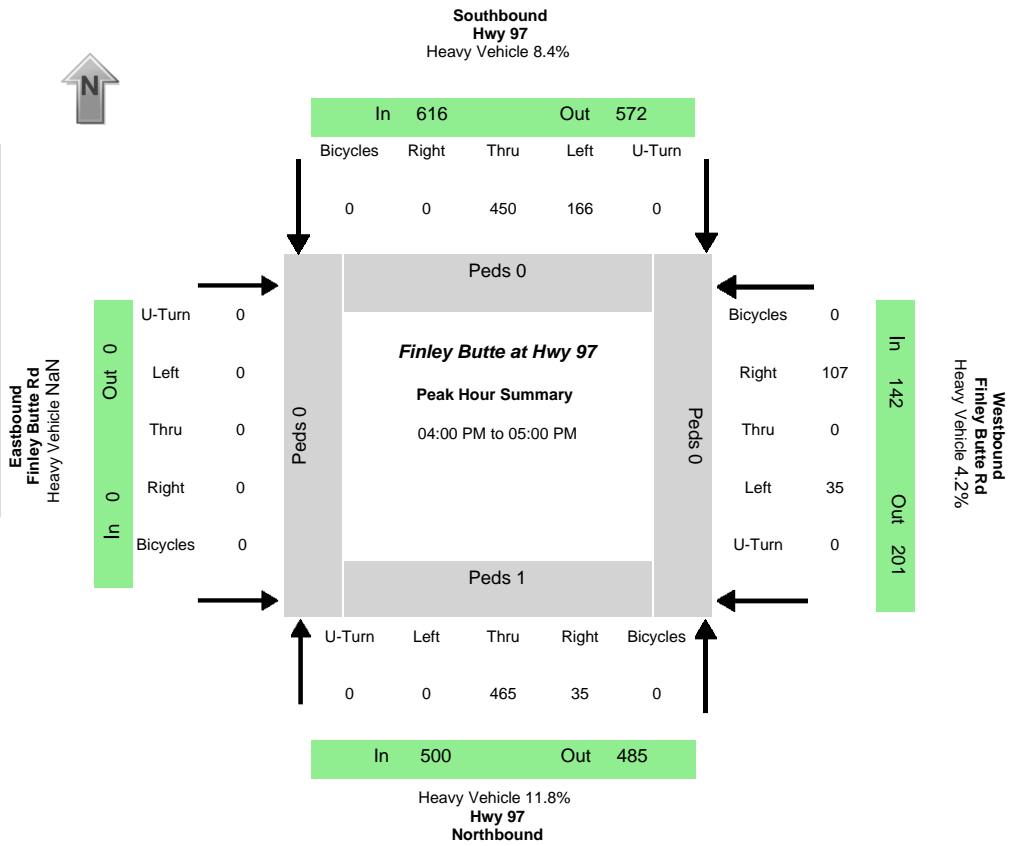
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Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	NB	SB	EB	WB	NB	SB	EB	WB
23	0	7	0	0	0	0	0	0	172	54	0	27	125	0	0	30	0	226	152	81	0	148	179
Percent Heavy Vehicles																							
0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.7%	0.0%	0.0%	0.0%	3.2%	0.0%	0.0%	0.0%	0.0%	1.3%	2.6%	0.0%	0.0%	2.7%	1.7%

PHV - Bicycles												PHV - Pedestrians									
Northbound				Southbound				Eastbound				Westbound				in Crosswalk					
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	NB	SB	EB	WB	Sum
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Time	Northbound S Huntington Rd				Southbound S Huntington Rd				Eastbound Finley Butte Rd				Westbound Finley Butte Rd				15 Min Sum	1 HR Sum
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn		
04:00:00 PM	2	0	1	0	0	0	0	0	0	13	4	0	1	14	0	0		
04:05:00 PM	2	0	0	0	0	0	0	0	0	12	2	0	3	9	0	0		
04:10:00 PM	3	0	1	0	0	0	0	0	0	12	6	0	2	11	0	0	98	
04:15:00 PM	2	0	0	0	0	0	0	0	0	8	4	0	1	5	0	0	83	
04:20:00 PM	3	0	1	0	0	0	0	0	0	10	8	0	1	7	0	0	85	
04:25:00 PM	3	0	1	0	0	0	0	0	0	19	3	0	0	10	0	0	86	
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05:00:00 PM	3	0	2	0	0	0	0	0	0	6	2	0	0	5	0	0	79	351
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05:10:00 PM	1	0	0	0	0	0	0	0	0	17	7	0	1	6	0	0	84	354
05:15:00 PM	2	0	0	0	0	0	0	0	0	17	3	0	2	9	0	0	99	367
05:20:00 PM	7	0	1	0	0	0	0	0	0	15	5	0	5	6	0	0	104	376
05:25:00 PM	0	0	0	0	0	0	0	0	0	12	3	0	1	10	0	0	98	366
05:30:00 PM	2	0	0	0	0	0	0	0	0	15	2	0	4	19	0	0	107	375
05:35:00 PM	3	0	0	0	0	0	0	0	0	13	5	0	5	23	0	0	117	390
05:40:00 PM	2	0	0	0	0	0	0	0	0	14	2	0	3	9	0	0	121	398
05:45:00 PM	0	0	1	0	0	0	0	0	0	18	3	0	2	10	0	0	113	398
05:50:00 PM	0	0	3	0	0	0	0	0	0	10	6	0	2	13	0	0	98	405
05:55:00 PM	2	0	0	0	0	0	0	0	0	18	9	0	1	7	0	0	105	408

Data Provided by K-D-N.com 503-594-4224

N/S street	Hwy 97
E/W street	Finley Butte Rd
City, State	La Pine OR
Site Notes	
Location	43.667573 - -121.505951
Start Date	Tuesday, June 14, 2022
Start Time	04:00:00 PM
Weather	
Study ID #	
Peak Hour Start	04:00:00 PM
Peak 15 Min Start	04:00:00 PM
PHF (15-Min Int)	0.89



Peak-Hour Volumes (PHV)																							
Northbound				Southbound				Eastbound				Westbound				Entering				Leaving			
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	NB	SB	EB	WB	NB	SB	EB	WB
0	465	35	0	166	450	0	0	0	0	0	0	35	0	107	0	500	616	0	142	485	572	0	201
Percent Heavy Vehicles																							
0.0%	12.5%	2.9%	0.0%	5.4%	9.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	5.6%	0.0%	11.8%	8.4%	NaN	4.2%	8.9%	11.2%	NaN	5.0%

PHV- Bicycles												PHV- Pedestrians									
Northbound				Southbound				Eastbound				Westbound				in Crosswalk					
Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Sum	NB	SB	EB	WB	Sum
0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1

Time	Northbound Hwy 97				Southbound Hwy 97				Eastbound Finley Butte Rd				Westbound Finley Butte Rd				15 Min Sum	1 HR Sum
	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn	Left	Thru	Right	Uturn		
04:00:00 PM	0	46	4	0	14	43	0	0	0	0	0	0	2	0	15	0		
04:05:00 PM	0	53	6	0	8	35	0	0	0	0	0	0	2	0	12	0		
04:10:00 PM	0	37	5	0	14	46	0	0	0	0	0	0	1	0	11	0	354	
04:15:00 PM	0	36	4	0	8	36	0	0	0	0	0	0	2	0	7	0	323	
04:20:00 PM	0	34	4	0	14	38	0	0	0	0	0	0	1	0	8	0	306	
04:25:00 PM	0	34	0	0	22	31	0	0	0	0	0	0	3	0	9	0	291	
04:30:00 PM	0	34	0	0	13	45	0	0	0	0	0	0	5	0	7	0	302	
04:35:00 PM	0	51	3	0	11	47	0	0	0	0	0	0	4	0	13	0	332	
04:40:00 PM	0	37	3	0	8	20	0	0	0	0	0	0	5	0	7	0	313	
04:45:00 PM	0	39	4	0	15	37	0	0	0	0	0	0	6	0	7	0	317	
04:50:00 PM	0	37	1	0	17	41	0	0	0	0	0	0	1	0	7	0	292	
04:55:00 PM	0	27	1	0	22	31	0	0	0	0	0	0	3	0	4	0	300	1258
05:00:00 PM	0	27	2	0	7	38	0	0	0	0	0	0	3	0	6	0	275	1217
05:05:00 PM	0	33	6	0	17	40	0	0	0	0	0	0	1	0	6	0	274	1204
05:10:00 PM	0	32	6	0	17	42	0	0	0	0	0	0	2	0	4	0	289	1193
05:15:00 PM	0	25	8	0	14	33	0	0	0	0	0	0	4	0	8	0	298	1192
05:20:00 PM	0	37	1	0	18	33	0	0	0	0	0	0	2	0	12	0	298	1196
05:25:00 PM	0	39	1	0	15	40	0	0	0	0	0	0	1	0	7	0	298	1200
05:30:00 PM	0	31	2	0	15	30	0	0	0	0	0	0	7	0	13	0	304	1194
05:35:00 PM	0	23	1	0	17	38	0	0	0	0	0	0	8	0	18	0	306	1170
05:40:00 PM	0	36	2	0	14	40	0	0	0	0	0	0	2	0	11	0	308	1195
05:45:00 PM	0	39	4	0	17	32	0	0	0	0	0	0	3	0	6	0	311	1188
05:50:00 PM	0	35	1	0	14	42	0	0	0	0	0	0	3	0	8	0	309	1187
05:55:00 PM	0	32	1	0	27	35	0	0	0	0	0	0	2	0	9	0	310	1205

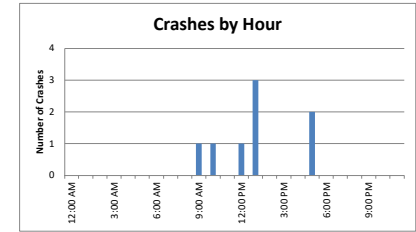
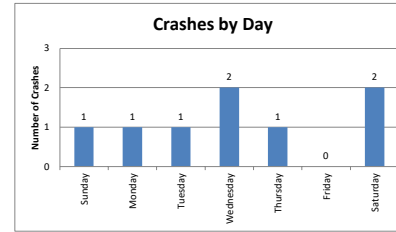
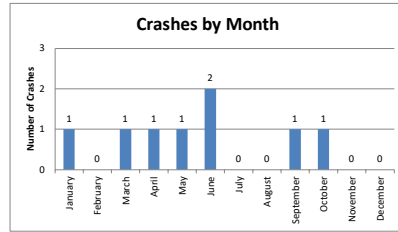
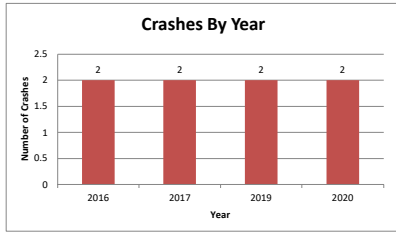


Project Name:  
 Project Number:  
 Query Information: US 97\_Finley Butte  
 Date Queried:  
 Data Provider: ODOT Crash Analysis Reporting Unit  
 Analyst:  
 Summary Date: 7/11/2022  
 Text File Name:  
 Filters Applied: :: County: Deschutes

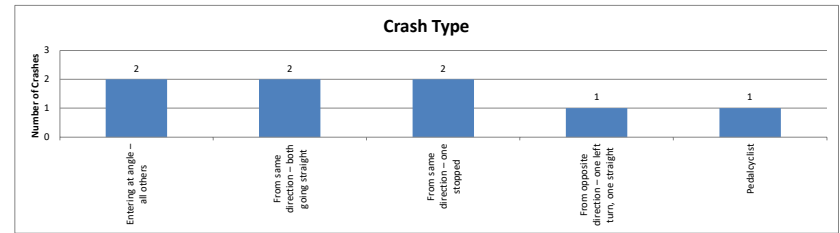
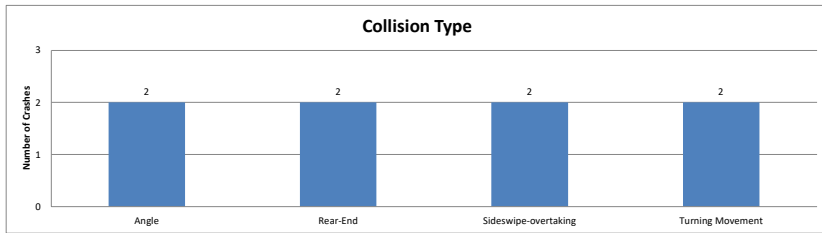
# US 97/ Finley Butte Road

(January 2016 through December 2020)

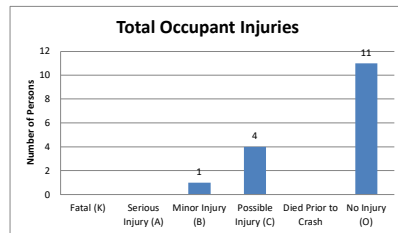
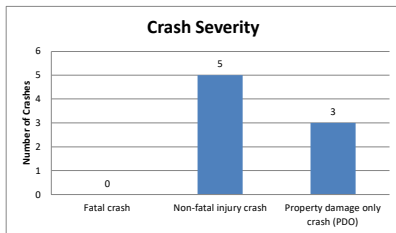
### Crash Summary by Date and Time



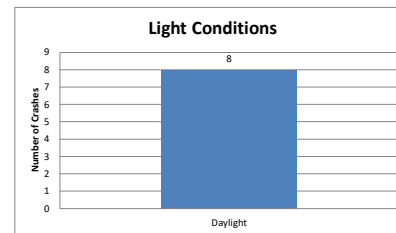
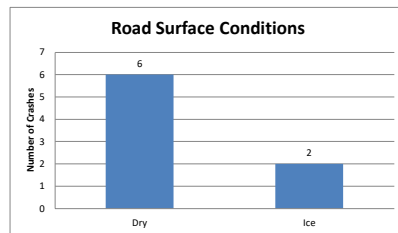
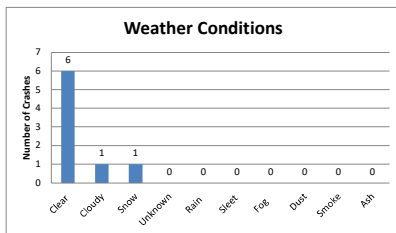
### Crash Summary by Type



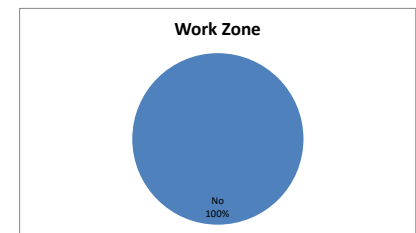
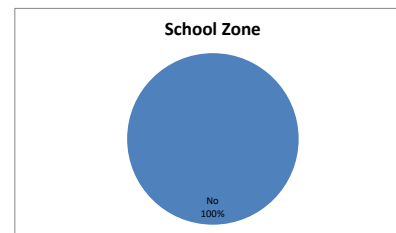
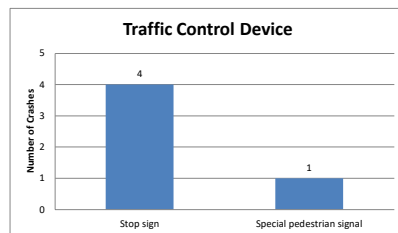
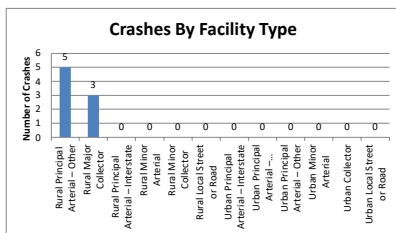
### Crash Severity



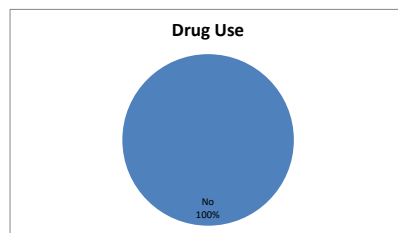
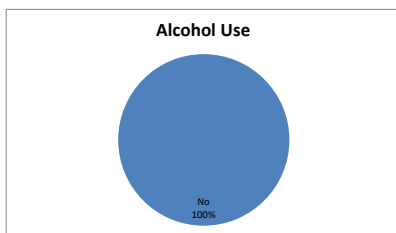
### Crash Environment Characteristics



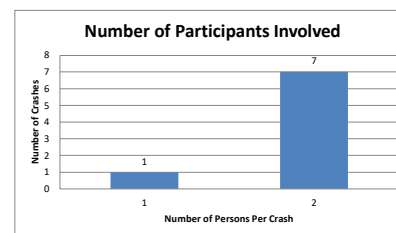
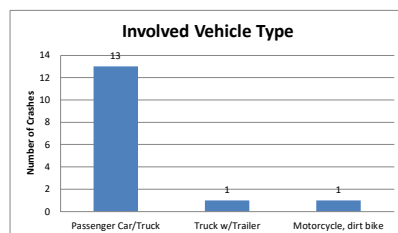
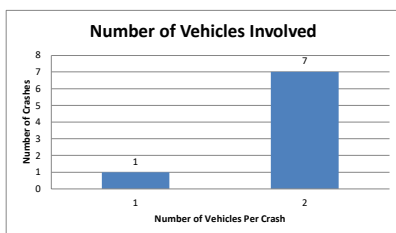
### Crash Area Characteristics



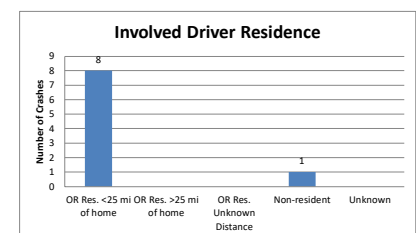
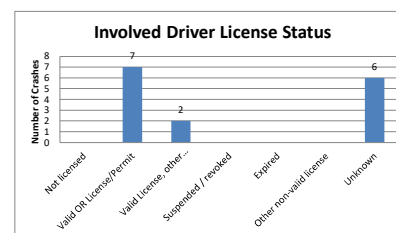
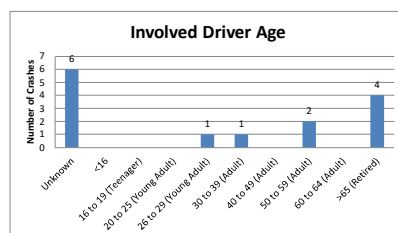
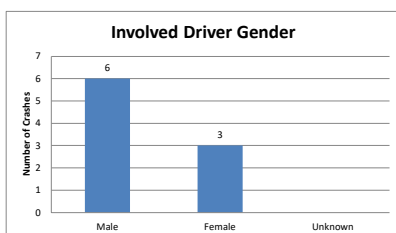
### Driving Impairments



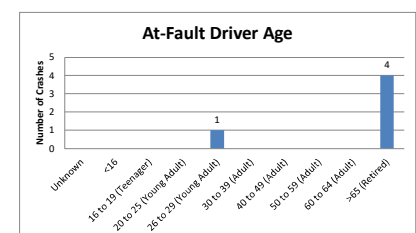
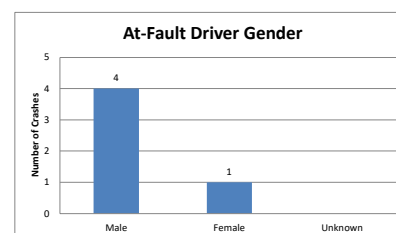
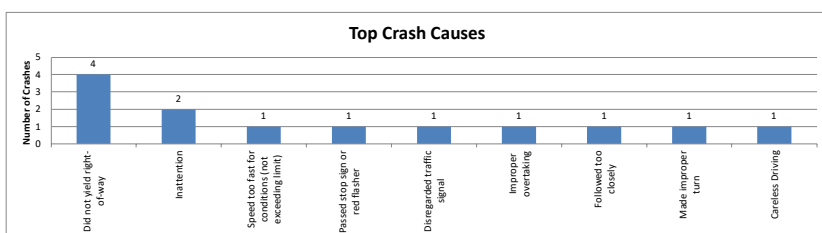
### Vehicles and Occupants



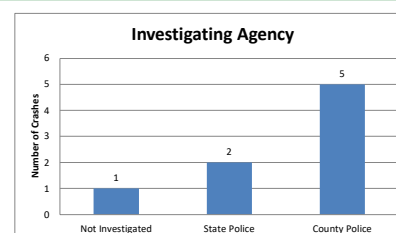
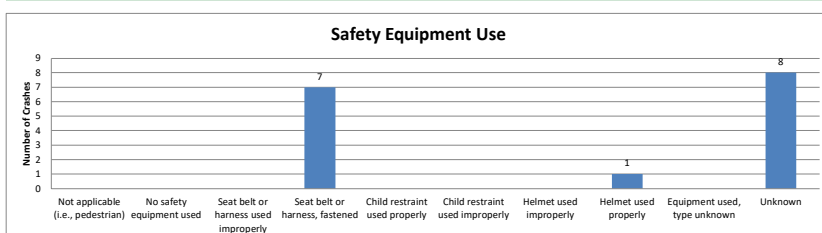
### Involved Driver Characteristics



### At-Fault Driver Characteristics



### Other Crash Characteristics



Intersection						
Int Delay, s/veh	5.1					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	35	107	493	35	166	477
Future Vol, veh/h	35	107	493	35	166	477
Conflicting Peds, #/hr	0	1	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	100	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	89	89	89	89	89	89
Heavy Vehicles, %	0	6	12	3	5	10
Mvmt Flow	39	120	554	39	187	536

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	1484	575	0	0	593
Stage 1	574	-	-	-	-
Stage 2	910	-	-	-	-
Critical Hdwy	6.4	6.26	-	-	4.15
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.354	-	-	2.245
Pot Cap-1 Maneuver	139	510	-	-	968
Stage 1	567	-	-	-	-
Stage 2	396	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	112	510	-	-	968
Mov Cap-2 Maneuver	112	-	-	-	-
Stage 1	567	-	-	-	-
Stage 2	320	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	35.4	0	2.5
HCM LOS	E		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	272	968
HCM Lane V/C Ratio	-	-	0.587	0.193
HCM Control Delay (s)	-	-	35.4	9.6
HCM Lane LOS	-	-	E	A
HCM 95th %tile Q(veh)	-	-	3.4	0.7

Intersection						
Int Delay, s/veh	1.4					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	172	54	27	125	23	7
Future Vol, veh/h	172	54	27	125	23	7
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	84	84	84	84	84	84
Heavy Vehicles, %	2	0	0	3	0	0
Mvmt Flow	205	64	32	149	27	8

Major/Minor	Major1	Major2	Minor1	Minor2	Minor3
Conflicting Flow All	0	0	269	0	450
Stage 1	-	-	-	-	237
Stage 2	-	-	-	-	213
Critical Hdwy	-	-	4.1	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	-	-	2.2	-	3.5
Pot Cap-1 Maneuver	-	-	1306	-	571
Stage 1	-	-	-	-	807
Stage 2	-	-	-	-	827
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1306	-	556
Mov Cap-2 Maneuver	-	-	-	-	556
Stage 1	-	-	-	-	807
Stage 2	-	-	-	-	805

Approach	EB	WB	NB
HCM Control Delay, s	0	1.4	11.4
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	600	-	-	1306	-
HCM Lane V/C Ratio	0.06	-	-	0.025	-
HCM Control Delay (s)	11.4	-	-	7.8	0
HCM Lane LOS	B	-	-	A	A
HCM 95th %tile Q(veh)	0.2	-	-	0.1	-

HCM 6th TWSC  
3: Anchor Way & Finley Butte Rd

Year 2022 Existing Conditions  
Weekday PM Peak Hour

Intersection												
Int Delay, s/veh	0.1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	0	94	0	1	83	0	1	0	0	0	0	0
Future Vol, veh/h	0	94	0	1	83	0	1	0	0	0	0	0
Conflicting Peds, #/hr	0	0	9	9	0	0	0	0	1	1	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	66	66	66	66	66	66	66	66	66	66	66	66
Heavy Vehicles, %	0	4	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	0	142	0	2	126	0	2	0	0	0	0	0

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	126	0	0	151	0	0	281	281	152	273	281	126
Stage 1	-	-	-	-	-	-	151	151	-	130	130	-
Stage 2	-	-	-	-	-	-	130	130	-	143	151	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1473	-	-	1442	-	-	675	631	900	684	631	930
Stage 1	-	-	-	-	-	-	856	776	-	878	792	-
Stage 2	-	-	-	-	-	-	878	792	-	865	776	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1473	-	-	1430	-	-	668	624	891	683	624	930
Mov Cap-2 Maneuver	-	-	-	-	-	-	668	624	-	683	624	-
Stage 1	-	-	-	-	-	-	848	769	-	878	790	-
Stage 2	-	-	-	-	-	-	876	790	-	864	769	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			0.1			10.4			0		
HCM LOS							B			A		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	668	1473	-	-	1430	-	-	-
HCM Lane V/C Ratio	0.002	-	-	-	0.001	-	-	-
HCM Control Delay (s)	10.4	0	-	-	7.5	0	-	0
HCM Lane LOS	B	A	-	-	A	A	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	-

Intersection						
Int Delay, s/veh	16.3					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	47	143	513	54	228	496
Future Vol, veh/h	47	143	513	54	228	496
Conflicting Peds, #/hr	0	1	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	100	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	89	89	89	89	89	89
Heavy Vehicles, %	0	6	12	3	5	10
Mvmt Flow	53	161	576	61	256	557

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	1676	608	0	0	637
Stage 1	607	-	-	-	-
Stage 2	1069	-	-	-	-
Critical Hdwy	6.4	6.26	-	-	4.15
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.354	-	-	2.245
Pot Cap-1 Maneuver	106	488	-	-	932
Stage 1	548	-	-	-	-
Stage 2	333	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	77	488	-	-	932
Mov Cap-2 Maneuver	77	-	-	-	-
Stage 1	548	-	-	-	-
Stage 2	241	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	114.5	0	3.2
HCM LOS	F		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	210	932
HCM Lane V/C Ratio	-	-	1.017	0.275
HCM Control Delay (s)	-	-	114.5	10.3
HCM Lane LOS	-	-	F	B
HCM 95th %tile Q(veh)	-	-	9.2	1.1

Intersection						
Int Delay, s/veh	2.1					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	206	102	36	146	51	12
Future Vol, veh/h	206	102	36	146	51	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	84	84	84	84	84	84
Heavy Vehicles, %	2	0	0	3	0	0
Mvmt Flow	245	121	43	174	61	14

Major/Minor	Major1	Major2	Minor1			
Conflicting Flow All	0	0	366	0	566	306
Stage 1	-	-	-	-	306	-
Stage 2	-	-	-	-	260	-
Critical Hdwy	-	-	4.1	-	6.4	6.2
Critical Hdwy Stg 1	-	-	-	-	5.4	-
Critical Hdwy Stg 2	-	-	-	-	5.4	-
Follow-up Hdwy	-	-	2.2	-	3.5	3.3
Pot Cap-1 Maneuver	-	-	1204	-	489	739
Stage 1	-	-	-	-	751	-
Stage 2	-	-	-	-	788	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1204	-	469	739
Mov Cap-2 Maneuver	-	-	-	-	469	-
Stage 1	-	-	-	-	751	-
Stage 2	-	-	-	-	756	-

Approach	EB	WB	NB
HCM Control Delay, s	0	1.6	13.4
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	504	-	-	1204	-
HCM Lane V/C Ratio	0.149	-	-	0.036	-
HCM Control Delay (s)	13.4	-	-	8.1	0
HCM Lane LOS	B	-	-	A	A
HCM 95th %tile Q(veh)	0.5	-	-	0.1	-

Intersection												
Int Delay, s/veh	0.1											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	0	130	0	1	110	0	1	0	0	0	0	0
Future Vol, veh/h	0	130	0	1	110	0	1	0	0	0	0	0
Conflicting Peds, #/hr	0	0	9	9	0	0	0	0	1	1	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	66	66	66	66	66	66	66	66	66	66	66	66
Heavy Vehicles, %	0	4	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	0	197	0	2	167	0	2	0	0	0	0	0

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	167	0	0	206	0	0	377	377	207	369	377	167
Stage 1	-	-	-	-	-	-	206	206	-	171	171	-
Stage 2	-	-	-	-	-	-	171	171	-	198	206	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1423	-	-	1377	-	-	584	558	839	591	558	882
Stage 1	-	-	-	-	-	-	801	735	-	836	761	-
Stage 2	-	-	-	-	-	-	836	761	-	808	735	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1423	-	-	1365	-	-	578	552	831	590	552	882
Mov Cap-2 Maneuver	-	-	-	-	-	-	578	552	-	590	552	-
Stage 1	-	-	-	-	-	-	794	728	-	836	759	-
Stage 2	-	-	-	-	-	-	834	759	-	807	728	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			0.1			11.2			0		
HCM LOS							B			A		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	578	1423	-	-	1365	-	-	-
HCM Lane V/C Ratio	0.003	-	-	-	0.001	-	-	-
HCM Control Delay (s)	11.2	0	-	-	7.6	0	-	0
HCM Lane LOS	B	A	-	-	A	A	-	A
HCM 95th %tile Q(veh)	0	0	-	-	0	-	-	-

Intersection						
Int Delay, s/veh	20.1					
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	49	148	513	57	239	496
Future Vol, veh/h	49	148	513	57	239	496
Conflicting Peds, #/hr	0	1	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	100	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	89	89	89	89	89	89
Heavy Vehicles, %	0	6	12	3	5	10
Mvmt Flow	55	166	576	64	269	557

Major/Minor	Minor1	Major1	Major2		
Conflicting Flow All	1703	609	0	0	640
Stage 1	608	-	-	-	-
Stage 2	1095	-	-	-	-
Critical Hdwy	6.4	6.26	-	-	4.15
Critical Hdwy Stg 1	5.4	-	-	-	-
Critical Hdwy Stg 2	5.4	-	-	-	-
Follow-up Hdwy	3.5	3.354	-	-	2.245
Pot Cap-1 Maneuver	102	488	-	-	930
Stage 1	547	-	-	-	-
Stage 2	323	-	-	-	-
Platoon blocked, %			-	-	-
Mov Cap-1 Maneuver	73	488	-	-	930
Mov Cap-2 Maneuver	73	-	-	-	-
Stage 1	547	-	-	-	-
Stage 2	230	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	140.6	0	3.4
HCM LOS	F		

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT
Capacity (veh/h)	-	-	202	930
HCM Lane V/C Ratio	-	-	1.096	0.289
HCM Control Delay (s)	-	-	140.6	10.4
HCM Lane LOS	-	-	F	B
HCM 95th %tile Q(veh)	-	-	10.4	1.2



Intersection						
Int Delay, s/veh	2.1					
Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	220	102	38	153	51	13
Future Vol, veh/h	220	102	38	153	51	13
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	84	84	84	84	84	84
Heavy Vehicles, %	2	0	0	3	0	0
Mvmt Flow	262	121	45	182	61	15

Major/Minor	Major1	Major2	Minor1	Minor2	Minor3
Conflicting Flow All	0	0	383	0	595
Stage 1	-	-	-	-	323
Stage 2	-	-	-	-	272
Critical Hdwy	-	-	4.1	-	6.4
Critical Hdwy Stg 1	-	-	-	-	5.4
Critical Hdwy Stg 2	-	-	-	-	5.4
Follow-up Hdwy	-	-	2.2	-	3.5
Pot Cap-1 Maneuver	-	-	1187	-	470
Stage 1	-	-	-	-	738
Stage 2	-	-	-	-	778
Platoon blocked, %	-	-	-	-	-
Mov Cap-1 Maneuver	-	-	1187	-	450
Mov Cap-2 Maneuver	-	-	-	-	450
Stage 1	-	-	-	-	738
Stage 2	-	-	-	-	745

Approach	EB	WB	NB
HCM Control Delay, s	0	1.6	13.8
HCM LOS			B

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	487	-	-	1187	-
HCM Lane V/C Ratio	0.156	-	-	0.038	-
HCM Control Delay (s)	13.8	-	-	8.2	0
HCM Lane LOS	B	-	-	A	A
HCM 95th %tile Q(veh)	0.6	-	-	0.1	-

Intersection												
Int Delay, s/veh	0.6											
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↕			↕			↕			↕	
Traffic Vol, veh/h	0	130	15	3	110	0	10	0	1	0	0	0
Future Vol, veh/h	0	130	15	3	110	0	10	0	1	0	0	0
Conflicting Peds, #/hr	0	0	9	9	0	0	0	0	1	1	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	66	66	66	66	66	66	66	66	66	66	66	66
Heavy Vehicles, %	0	4	0	0	0	0	0	0	0	0	0	0
Mvmt Flow	0	197	23	5	167	0	15	0	2	0	0	0

Major/Minor	Major1			Major2			Minor1			Minor2		
Conflicting Flow All	167	0	0	229	0	0	395	395	219	388	406	167
Stage 1	-	-	-	-	-	-	218	218	-	177	177	-
Stage 2	-	-	-	-	-	-	177	177	-	211	229	-
Critical Hdwy	4.1	-	-	4.1	-	-	7.1	6.5	6.2	7.1	6.5	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.1	5.5	-
Follow-up Hdwy	2.2	-	-	2.2	-	-	3.5	4	3.3	3.5	4	3.3
Pot Cap-1 Maneuver	1423	-	-	1351	-	-	568	545	826	574	537	882
Stage 1	-	-	-	-	-	-	789	726	-	829	756	-
Stage 2	-	-	-	-	-	-	829	756	-	796	718	-
Platoon blocked, %	-	-	-	-	-	-	-	-	-	-	-	-
Mov Cap-1 Maneuver	1423	-	-	1339	-	-	561	538	818	571	530	882
Mov Cap-2 Maneuver	-	-	-	-	-	-	561	538	-	571	530	-
Stage 1	-	-	-	-	-	-	782	719	-	829	753	-
Stage 2	-	-	-	-	-	-	826	753	-	794	712	-

Approach	EB			WB			NB			SB		
HCM Control Delay, s	0			0.2			11.4			0		
HCM LOS							B			A		

Minor Lane/Major Mvmt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1
Capacity (veh/h)	577	1423	-	-	1339	-	-	-
HCM Lane V/C Ratio	0.029	-	-	-	0.003	-	-	-
HCM Control Delay (s)	11.4	0	-	-	7.7	0	-	0
HCM Lane LOS	B	A	-	-	A	A	-	A
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	-



Project #: 1672  
 Project Name: Anchor Way Subdivision  
 Analyst: JWW  
 Date: 7/11/2022  
 North-South Street: US 97  
 East-West Street: Finley Butte Road  
 Intersection: US 97/Finley Butte Road  
 Scenario: Year 2022 Existing Conditions

Volume-Based Warrant Summary			
Warrant No.	Description	Warrant Factor	Met?
Warrant 1:	Eight-Hour Vehicular Volume	70%	Yes
Warrant 2:	Four-Hour Vehicular Volume	70%	Yes
Warrant 3:	Peak Hour	70%	Yes

Volume Adjustment Factor: 1.0  
 North-South Approach: Major  
 East-West Approach: Minor  
 Major Street No. Thru Lanes: 1  
 Minor Street No, Thru Lanes: 1  
 Speed Factor (Speed >40mph): No  
 Population Factor (Population <10,000): Yes  
 Warrant Factor: 70%  
 Peak Hour/Daily Count: Peak Hour

Major Road	Minor Road
Rural Interstate	Rural Interstate
Rural Principal Arterial	Rural Principal Arterial
Rural Minor Arterial	Rural Minor Arterial
Rural Major Collector	Rural Major Collector
Rural Minor Collector	Rural Minor Collector
Urban Interstate	Urban Interstate
Urban Other Frwy & Expwy	Urban Other Frwy & Expwy
Urban Principal Arterial	Urban Principal Arterial
Urban Minor Arterial	Urban Minor Arterial

Case: 8 Case: 9

Peak Hour Traffic Volumes			
Major Street		Minor Street	
NB	SB	EB	WB
528	643	0	142

Planning Growth Factors		
NB	1.00	1.00
SB	1.00	
EB	1.00	
WB	1.00	

Traffic Volumes		Traffic Volume Profile				Hourly Profiles (NCHRP 03-110)	
		Major Street		Minor Street		Major Street Profile	Minor Street Profile
		NB	SB	EB	WB		
4:00 PM	Highest Hour	611	808	0	200	1.00	1.00
2	Highest Hour	571	756	0	189	0.94	0.95
3	Highest Hour	563	745	0	187	0.92	0.93
4	Highest Hour	548	724	0	179	0.90	0.89
5	Highest Hour	500	661	0	176	0.82	0.88
6	Highest Hour	492	651	0	176	0.81	0.88
7	Highest Hour	460	609	0	168	0.75	0.84
8	Highest Hour	428	567	0	165	0.70	0.83
9	Highest Hour	428	567	0	160	0.70	0.80
10	Highest Hour	421	556	0	149	0.69	0.75
11	Highest Hour	397	525	0	144	0.65	0.72
12	Highest Hour	373	493	0	141	0.61	0.71
13	Highest Hour	365	483	0	136	0.60	0.68
14	Highest Hour	349	462	0	117	0.57	0.59



Project #: 1672  
 Project Name: Anchor Way Subdivision  
 Analyst: JWW  
 Date: 7/11/2022  
 North-South Street: US 97  
 East-West Street: Finley Butte Road  
 Intersection: US 97/Finley Butte Road  
 Scenario: Year 2024 No Build Conditions

Volume-Based Warrant Summary			
Warrant No.	Description	Warrant Factor	Met?
Warrant 1:	Eight-Hour Vehicular Volume	70%	Yes
Warrant 2:	Four-Hour Vehicular Volume	70%	Yes
Warrant 3:	Peak Hour	70%	Yes

Volume Adjustment Factor: 1.0  
 North-South Approach: Major  
 East-West Approach: Minor  
 Major Street No. Thru Lanes: 1  
 Minor Street No. Thru Lanes: 1  
 Speed Factor (Speed >40mph): No  
 Population Factor (Population <10,000): Yes  
 Warrant Factor: 70%  
 Peak Hour/Daily Count: Peak Hour

Major Road	Minor Road
Rural Interstate	Rural Interstate
Rural Principal Arterial	Rural Principal Arterial
Rural Minor Arterial	Rural Minor Arterial
Rural Major Collector	Rural Major Collector
Rural Minor Collector	Rural Minor Collector
Urban Interstate	Urban Interstate
Urban Other Frwy & Expwy	Urban Other Frwy & Expwy
Urban Principal Arterial	Urban Principal Arterial
Urban Minor Arterial	Urban Minor Arterial

Case: 8 Case: 9

Peak Hour Traffic Volumes			
Major Street		Minor Street	
NB	SB	EB	WB
567	724	0	191

Planning Growth Factors		
NB	1.00	1.00
SB	1.00	
EB	1.00	
WB	1.00	

Traffic Volumes		Traffic Volume Profile				Hourly Profiles (NCHRP 03-110)	
		Major Street		Minor Street		Major Street Profile	Minor Street Profile
		NB	SB	EB	WB		
4:00 PM	Highest Hour	611	808	0	200	1.00	1.00
2	Highest Hour	571	756	0	189	0.94	0.95
3	Highest Hour	563	745	0	187	0.92	0.93
4	Highest Hour	548	724	0	179	0.90	0.89
5	Highest Hour	500	661	0	176	0.82	0.88
6	Highest Hour	492	651	0	176	0.81	0.88
7	Highest Hour	460	609	0	168	0.75	0.84
8	Highest Hour	428	567	0	165	0.70	0.83
9	Highest Hour	428	567	0	160	0.70	0.80
10	Highest Hour	421	556	0	149	0.69	0.75
11	Highest Hour	397	525	0	144	0.65	0.72
12	Highest Hour	373	493	0	141	0.61	0.71
13	Highest Hour	365	483	0	136	0.60	0.68
14	Highest Hour	349	462	0	117	0.57	0.59



Project #: 1762  
 Project Name: Anchor Way Subdivision  
 Analyst: JWW  
 Date: 7/11/2022  
 North-South Street: US 97  
 East-West Street: Finley Butte Road  
 Intersection: US 97/Finley Butte Road  
 Scenario: Year 2024 With Project Conditions

Volume-Based Warrant Summary			
Warrant No.	Description	Warrant Factor	Met?
Warrant 1:	Eight-Hour Vehicular Volume	70%	Yes
Warrant 2:	Four-Hour Vehicular Volume	70%	Yes
Warrant 3:	Peak Hour	70%	Yes

Volume Adjustment Factor: 1.0  
 North-South Approach: Major  
 East-West Approach: Minor  
 Major Street No. Thru Lanes: 1  
 Minor Street No, Thru Lanes: 1  
 Speed Factor (Speed >40mph): No  
 Population Factor (Population <10,000): Yes  
 Warrant Factor: 70%  
 Peak Hour/Daily Count: Peak Hour

Major Road	Minor Road
Rural Interstate	Rural Interstate
Rural Principal Arterial	Rural Principal Arterial
Rural Minor Arterial	Rural Minor Arterial
Rural Major Collector	Rural Major Collector
Rural Minor Collector	Rural Minor Collector
Urban Interstate	Urban Interstate
Urban Other Frwy & Expwy	Urban Other Frwy & Expwy
Urban Principal Arterial	Urban Principal Arterial
Urban Minor Arterial	Urban Minor Arterial

Case: 8 Case: 9

Peak Hour Traffic Volumes			
Major Street		Minor Street	
NB	SB	EB	WB
570	735	0	198

Planning Growth Factors		
NB	1.00	1.00
SB	1.00	
EB	1.00	
WB	1.00	

Traffic Volumes		Traffic Volume Profile				Hourly Profiles (NCHRP 03-110)	
		Major Street		Minor Street		Major Street Profile	Minor Street Profile
		NB	SB	EB	WB		
4:00 PM	Highest Hour	611	808	0	200	1.00	1.00
2	Highest Hour	571	756	0	189	0.94	0.95
3	Highest Hour	563	745	0	187	0.92	0.93
4	Highest Hour	548	724	0	179	0.90	0.89
5	Highest Hour	500	661	0	176	0.82	0.88
6	Highest Hour	492	651	0	176	0.81	0.88
7	Highest Hour	460	609	0	168	0.75	0.84
8	Highest Hour	428	567	0	165	0.70	0.83
9	Highest Hour	428	567	0	160	0.70	0.80
10	Highest Hour	421	556	0	149	0.69	0.75
11	Highest Hour	397	525	0	144	0.65	0.72
12	Highest Hour	373	493	0	141	0.61	0.71
13	Highest Hour	365	483	0	136	0.60	0.68
14	Highest Hour	349	462	0	117	0.57	0.59



**CITY OF LA PINE**  
**Neighborhood Contact Certification**

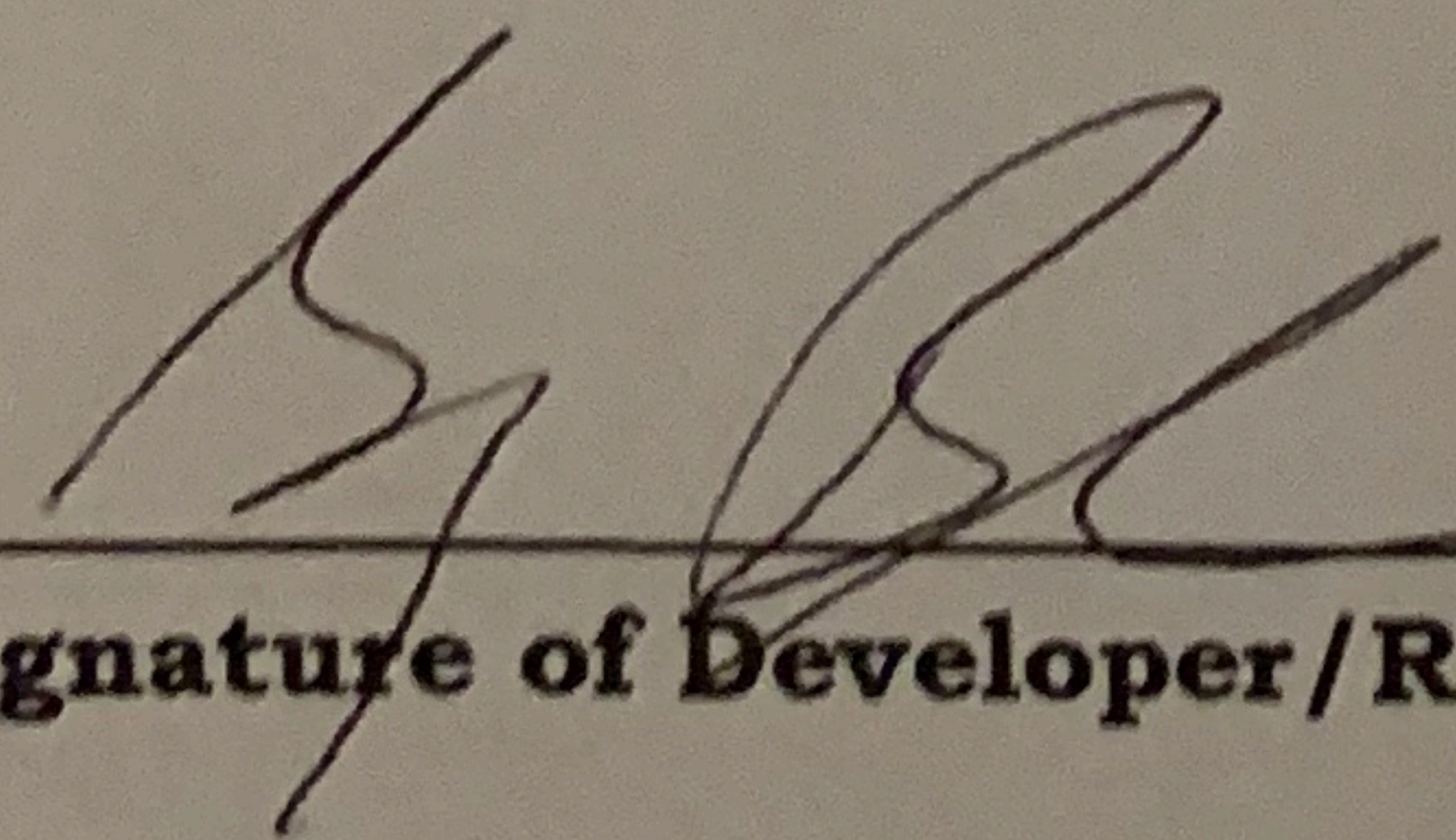
Meeting Date: June 2, 2022  
 Meeting Location: La Pine Senior Activity Center  
 Project Location: Anchor Way  
 Type of Land Use Application: Subdivision  
 Description of Proposal: 22 Lot Subdivision

**PRESENT AT MEETING:**

	<u>Name(s) &amp; Addresses</u>	<u>Email/Phone</u>
Developer(s):	<u>Ryan Blake 51439 Hemlock Rd, LaPine</u>	<u>RYAN@reside-pnw.com</u>
	<u>Gary Blake Reside PNW, LLC</u>	<u>gary@reside-pnw.com</u>
Architect(s):	_____	_____
Engineer(s):	<u>JACK MITCHELL 33 NW FRANKLIN AVE</u>	<u>JMITCHELL@ASHLEYVANCE.COM</u>
	<u>Emily Passey BEND, OR 97703</u>	<u>epassey@ashleyvance.com</u>
Business(es):	<u>Blackmore Planning 19454 Sunshine Way</u>	<u>greg@blackmoreplanning.com</u>
	<u>Bend OR 97702</u>	
Neighbor(s):	<u>Please include a sign in sheet with all submittals</u>	

**CONCERNS STATED AT MEETING:**

Anchor Way Impacts Drive Widths, Parking, on-street parking  
Sidewalk to Finley Butte, Signage to the South

  
 \_\_\_\_\_  
**Signature of Developer/Representative**

Greg Blackmore  
 \_\_\_\_\_  
**Printed Name**

06/02/2022  
 \_\_\_\_\_  
**Date**









## CITY OF LA PINE

16345 Sixth Street — PO Box 2460

La Pine, Oregon 97739

TEL (541) 536-1432

[www.lapineoregon.gov](http://www.lapineoregon.gov)

**CITY OF LA PINE PLANNING DIVISION  
Staff Report to Planning Commission**

**FILE NO. 01SUB-22**

- APPLICANT:** ResidePNW, LLC  
Gary and Ryan Blake  
51439 Hemlock Road  
La Pine, OR 97739
- OWNER:** Carver Development LLC  
94262 Hinton Road  
Maupin, OR 97037
- ENGINEER:** Ashley and Vance Engineering, Inc.  
Jack Mitchell  
33 NW Franklin Avenue, Suite 110  
Bend, OR 97703
- PLANNER:** Blackmore Planning and Development Services, LLC  
Greg Blackmore  
19454 Sunshine Way  
Bend, OR 97702
- LOCATION:** The subject site is located in the southern portion of La Pine on the west side of Anchor Way and south of Finley Butte Road. The site consists of 4 Tax Lots (800, 900, 1600 and 1700 on the Deschutes County Tax Assessors Map 22-10-14CB). The properties have been assigned the addresses of 51345, 51355, 51369, and 51385 Anchor Way.
- REQUEST:** The Applicant is requesting Tentative Plan Review to divide the subject site into 22 lots, which are planned to be developed with a mix of detached single-family homes, ADUs, duplexes and a triplex.

**I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:**

*City of La Pine Development Code*

Article 3. Zoning Districts

- Chapter 15.18 Residential Zones
- Chapter 15.22 Commercial and Mixed-Use Zones

Article 5. Development Standards

- Chapter 15.80 Development Standards, Generally
- Chapter 15.88 Access and Circulation
- Chapter 15.90 Public Facilities



- Chapter 15.92 Additional Standards for Land Divisions
- 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 9. Land Divisions

- Chapter 15.402 General Provisions
- Chapter 15.406 Subdivisions and Planned Unit Developments (PUD)
- Chapter 15.418 Processing and Recording Procedures

### *City of La Pine Transportation System Plan*

## **II. INTRODUCTION**

The proposed 22-lot subdivision is on Anchor Way, south of Finley Butte Road. Staff recommends several Conditions of Approval at the end of the Staff Report, for compliance with the La Pine Development Code. Comments from City Public Works and Engineering are incorporated in this Staff Report. At the time of drafting the Staff Report, no public comments had been received.

## **III. FINDINGS OF FACT:**

**LOCATION:** The subject site is located in the southern portion of La Pine on the west side of Anchor Way and south of Finley Butte Road. The site consists of 4 Tax Lots (800, 900, 1600 and 1700 on the Deschutes County Tax Assessors Map 22-10-14CB). The properties have been assigned the addresses of 51345, 51355, 51369, and 51385 Anchor Way.



**ZONING:** The subject property is zoned both Residential Single Family (RSF) and Commercial Residential Mixed-Use on both the La Pine Zoning Map and La Pine Comprehensive Plan Map.

**SITE DESCRIPTION:** The subject property is approximately 4.51 acres in size and rectangular in shape. It is currently vacant and the topography is relatively level. The subject property is located outside of any FEMA designated floodway and/or floodplain, and no mapped wetlands are on site. It abuts Anchor Way where there is public access, but no pedestrian access at this time. There are water and sewer mains located in Anchor Way as well.

**SURROUNDING USES:** To the north, in the Commercial Residential Mixed-Use Zone, is a manufactured dwelling park. To the south, east, and west in the Residential Zone are other residences. There is also a church located to the south of the subject property.

**LOT LEGALITY:** Pursuant to Section 15.304.020(A), the subject property are legal lots of record as they are lots 33, 38, 41, and 46 on Deschutes County Assessor's Map 22-10-14CB.

**PUBLIC NOTICE AND COMMENTS:** The City of La Pine sent Notice of Public Hearing to the Planning Commission, City Council, and to the property owners within 100 feet of the subject property on 06/22/22. Notice was also published in the local paper, Wisebuys, and on the City website. No public comments were received. The City will mail the Notice of Decision to the same distribution list.

**AGENCY/DEPARTMENT COMMENTS:** The City of La Pine requested review and comments from the following departments: City Fire Chief, ODOT, Republic Services, Deschutes County Building Division, Deschutes County Road Department, City Engineer, Public Works Department, and the Office of the State Fire Marshal. All comments received are incorporated herein.

#### **IV. APPLICATION OF THE CRITERIA:**

##### **CONFORMANCE WITH CITY OF LA PINE ZONING ORDINANCE**

#### **Article 3. Zoning Districts**

- **Chapter 15.18 Residential Zones**

#### **15.18.400 Development Standards**

**A. Purpose.** The development standards for residential zones work together to create desirable residential areas by promoting aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities. The development standards generally assure that new development will be compatible with the City's character. At the same time, the standards allow for flexibility for new development. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed.

**B. Development Standards.** The development standards for residential zones are presented in Table 15.18-2. Development standards may be modified as provided by Chapter 15.320, Variances. Additional standards may apply to specific zones or uses, see Section 15.18.500. Footnotes in the table correspond to the sections below.

1. Minimum density standard in the RSF zone only applies to subdivisions. Development on existing lots and partitions are exempt from this standard.
2. Accessory dwellings do not count toward the maximum density standard in the RSF zone.

**Table 15.18-2 — Development Standards in the Residential Zones**

Standard	RSF	RMF
Minimum density	1 unit per acre (1)	5 units per acre
Maximum density	7 units per acre (2)	40 units per acre
Minimum lot size	None	None for single-family dwelling, cottage cluster development, duplex, or townhomes.  Multi-family development: 3,000 sq. ft. for first dwelling unit, plus 1,000 sq. ft. for each dwelling unit thereafter on the same property, provided that urban services are available to serve the development.
Minimum street frontage	50 feet 35 feet on cul-de-sac street 25 feet for townhomes	50 feet 35 feet on a cul-de-sac street 25 feet for townhomes
Minimum setbacks	--	--
- Front or street-side yard	20 feet	20 feet
- Side yard	10 feet None for townhomes	10 feet None for townhomes
- Rear yard	20 feet	20 feet
Maximum building height	45 feet	45 feet
Maximum lot coverage	75% for townhomes 50% for all other uses	75% for townhomes 50% for all other uses
Minimum landscaped area	See Chapter 15.82	See Chapter 15.82

**FINDING:** The Applicant stated in the submitted narrative, “Regarding density, as documented on the plan set, the density of the RSF zoned land is proposed to be 6.6 units per acre, which is more than the 1 unit per acre minimum and less than the 7 unit per acre maximum density for the zone. Regarding lot size, the RSF zone does not have a minimum or maximum requirement. All lots in the RSF Zone are proposed to exceed 5,000 sq feet in size. The applicant has planned units for each of the lots and has thus determined that the lots are sufficiently sized to accommodate the unit types and locations that are shown on the Civil Site Plan. Regarding frontages, the lots are proposed on streets and/or knuckles (cul-de-sac design elements). All lots have frontages of at least 50 feet along the streets, and at least 35 feet abutting the knuckle (cul-de-sac) elements. All other applicable standards identified in the table above will be reviewed with future development.” Frontage and density requirements are satisfied at this time. Frontage will be reviewed again during the Site Plan Review and/or building permit process as well as density which will be measured by the amount of dwelling units and acres in an individual lot.

Setback, building height, and lot coverage requirements will also be reviewed during the Site Plan Review and/or building permit process.

### **15.18.500 Additional Standards**

**A. RSF Zone.** The following standards apply to all development in the RSF zone.

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

**FINDING:** The Applicant's Burden of Proof states that the proposed subdivision is designed to comply with all applicable development standards for the RSF Zone. No buildings are proposed as part of this application. Future development will be reviewed in detail for conformance with applicable building codes during the Site Plan Review and building permit review process.

### **Article 3. Zoning Districts**

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

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

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

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

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

#### **B. Commercial/Residential Mixed Use Zone (CRMX).**

The CRMX zone is intended primarily as a smaller scale, service and office commercial district, with associated residential that may consist of upper level units. A live-work design concept within the mixed-use district serves as a buffer between the C zone and residential zones. Commercial uses are allowed in the zone but are limited in order to facilitate a mixed-use development pattern.

**FINDING:** The property is split zoned with the northern portion of the property zoned Commercial Residential Mixed-Use Zone (CRMX). The proposal is residential in use and therefore complies with the provisions of this section.

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

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

#### A. Permitted uses (P).

Uses allowed outright in the commercial and mixed-use zones are listed in Table 15.22-1 with a "P." In the C zone, any use that emits fumes or noxious odors, requires an air quality permit from the Oregon Department of Environmental Quality (DEQ), or emits noise beyond 20 decibels (dB) is required to obtain a conditional use permit pursuant to chapter 15.316, conditional uses....

**FINDING:** All of the proposed housing types (single-families, duplexes, and triplexes) are permitted outright in the Commercial Residential Mixed-Use Zone.

#### Sec. 15.22.400. - Development standards.

##### A. Purpose.

The development standards for commercial and mixed-use zones allow development flexibility, within parameters, that supports the intended characteristics of the specific zone. In addition, the regulations provide guidance to property owners, developers, and neighbors about the limits of what is allowed.

##### B. Development standards.

The development standards for commercial and mixed-use zones are presented in Table 15.22-2. Development standards may be modified as provided by chapter 15.320, variances. Additional standards may apply to specific zones or uses, see section 15.22.500.

Standard	C	CRMX	CMX	CN
Minimum lot width	None	None	None	25 feet
Minimum setbacks	—	—	—	—
- Front or street-side yard	20 feet	20 feet	20 feet	20 feet
- Side yard	None	10 feet; None for townhomes	10 feet; None for townhomes	10 feet; None for townhomes
- Rear yard	None	10 feet	10 feet	15 feet
Maximum building height	70 feet	45 feet	45 feet	45 feet
Maximum lot coverage	80%	60%	60%	50%
Minimum landscaped area	See <a href="#">15.18.500</a> and <a href="#">chapter 15.82</a>			
Minimum and maximum density	Residential and mixed-use developments are subject to the minimum and maximum density standards of the RMF zone (see <a href="#">section 15.18.500</a> ).			

**FINDING:** The Applicant stated in the submitted narrative, "The only standards of this section that apply to the land division are the lot width and density requirement. The other standards of this section apply to development and will be reviewed with subsequent building permit / development applications. Regarding density, as documented on the plan set, the density of the CRMX zoned land is proposed to be 8.8 units per acre, which is more than the 5 unit per acre minimum and less than the 40 unit per acres



maximum density for the zone. Regarding lot size, the CRMX zone does not have a requirement. All lots in the CMRX Zone are proposed to be at least 4900 sq feet in size, which is sufficient to accommodate the unit types and locations that are shown on the Civil Site Plan, thus the lots are suitably sized. Regarding lot width, the CRMX Zone does not have a requirement. All other standards identified in the table above will be reviewed with future development / building permit applications.” Criteria satisfied.

#### **Sec. 15.22.500. - Additional standards.**

##### **A. Corner lot frontages.**

For commercial uses located on corner lots where one street is predominantly residential, and one street is predominantly commercial, any commercial structure shall front on the street that is predominantly commercial.

**FINDING:** The proposal creates lots for residential uses. No commercial uses are proposed. Criterion does not apply.

##### **B. Landscaping standard.**

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

##### **C. Screening requirements.**

**1. Outdoor activities.** Any business, servicing, or processing shall be conducted within a completely enclosed building, except for parking and loading facilities and for "drive-in" type establishments offering goods or services to customers waiting in parked motor vehicles.

**2. Outdoor storage.** All areas of a site containing or proposed to contain outdoor storage of materials, equipment, and vehicles, and areas containing junk, salvage materials, or similar contents, shall be screened from view from adjacent rights-of-way and residential uses by a sight-obscuring fence, wall, landscape screen, or combination of screening methods. See additional buffering and fence standards in article 5.

**3. Outdoor merchandise display.** The outdoor display of merchandise for sale is not required to be screened from view, provided that all merchandise is located behind building setback lines unless otherwise approved by the city (e.g., to allow sidewalk sales).

**FINDING:** The standards of this section primarily apply to commercial development. The current proposal is for the division of land, the current proposal does not include site development, and the site will ultimately be developed with residential uses; therefore these standards do not apply.

##### **D. Vehicle access.**

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

**FINDING:** The Applicant stated in the submitted narrative, “Access locations are shown on the Civil Site Plan and the proposal is supported by a traffic report that has been prepared by Transight Consulting, LLC. As shown on the plan set, the access points will be from local roads, and primarily a new internal local road. No access points are proposed onto a highway or higher order street, and the traffic report documents that the proposed design will be safe, with the abutting transportation network providing adequate capacity for the new development. As proposed, the design conforms to these development standards.” Criteria satisfied.

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

**F. Noise.** All uses shall provide necessary shielding or other protective measures against interference occasioned by mechanical equipment or uses or processes with electrical apparatus.

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

**FINDING:** The Applicant stated in the submitted narrative, “The development is for the division of land, consistent with the Development Code standards. No new uses or structures are reviewed with this land division application, thus the proposal will not result in any emissions, noises or lighting.”

#### **Article 5. Development Standards**

- **Chapter 15.80 Development Standards, Generally**

##### **15.80.010 Purpose**

Article 5 contains development and design standards for the built environment. The standards are intended to protect the public health, safety, and welfare through the provision of landscaping and buffering, parking and loading facilities, multimodal accessibility and interconnectivity, and adequate public facilities.

In interpreting and applying this title, the provisions herein shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare.

##### **15.80.020 Applicability**

Any land division or development, and the improvements required therefore, shall be in compliance with the development, design and improvement standards and requirements set forth in this Article. Other provisions of this Code, other city ordinances, or state statutes or administrative rules may also apply.

**FINDING:** The application is for subdivision, which is by definition a land division. As such, the standards of Chapter 15.80 are applicable and are reviewed herein. In addition, future development will be reviewed in detail for conformance as applicable to building codes during the building permit review process.

##### **15.80.030 Exemption - Lot Size Requirements**

**A.** The following exemptions to minimum lot size requirements shall apply.

- a. Non-conforming lots or aggregate of contiguous lots or parcels held in a single ownership has an area or dimensions which do not meet the lot size or dimensional requirements of the applicable zone, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone; providing however, residential use shall be

limited to single-family dwelling unit or to the number of dwelling units consistent with the equivalent densities of the zone.

- b. Any parcel of land or portion thereof, which is to be dedicated to a public, semi-public or public utility for a park, school, road, canal, railroad, utility or other public use shall be exempt from the minimum lot size requirements of this chapter and the applicable zone.

- B. For all other lot size requirements in all other zones, applicants may propose approval of exceptions or variances in accordance with the application requirements in Article 8.

**FINDING:** Per Article 3, there is no minimum lot size requirement for both the RSF and CRMX zone, except as determined based upon maximum density requirements. No other exemptions apply.

#### **15.80.040 Exemption - Yard or Setback Requirements**

The following exemptions to yard or setback requirements are authorized for a lot or use in any zone.

- A. If there is a lot where there are buildings on abutting lots, and the buildings are within 100 feet of the intervening lot, and the buildings have front yards less than the required front yard for the applicable zone, the depth of the front yard for the subject lot need not exceed the average depth of the front yards of the abutting lots.
- B. If there is a building on only one abutting lot within 100 feet with a front yard less than the required front yard for the zone, the front yard of the subject lot need not exceed a depth one-half way between the depth of the yard on the abutting lot and the required front yard of the applicable zone.
- C. Architectural features such as cornices, eaves, sunshades, canopies, gutters, chimneys and flues may project into a required yard two feet, provided that the projection is not closer than three feet to a property line, and, drainage or snowdrift does not flow onto abutting properties or right of way, and, fumes from woodstoves are not directed to other properties. Steps, terraces, platforms, patios, decks and porches having no roof covering, and fences not interfering with vision clearance requirements or drainage requirements may be permitted in required yards, except as otherwise limited or provided for by this ordinance, or as otherwise approved by the city.

**FINDING:** No buildings are proposed as part of this application, but future buildings and structures will be reviewed for conformance with the Development Code when specific development is proposed. Lots shall comply with dimensional and setback requirements as required by this decision and applicable sections of the Development Code.

#### **15.80.050 Supplementary Height Regulations**

The maximum height limitations shall not apply to:

- A. The following principal structures: Church, college, farm structure (other than a farm dwelling), hospital, radio or television tower, exhaust stack, emergency services structure, or public utility structure which is a permitted use and is located in any zone, provided it shall conform to the setback and yard requirements of the zone where it is located plus 1 additional foot horizontally for each foot over 45 feet in height.
- B. The following appurtenances attached to or part of a principal or accessory structure: Church spire, belfry, cupola, dome, monument, smoke-stack, derrick, conveyor, flag pole, mast, antenna, aerial,



roof tank; ventilating air conditioning and similar building service equipment; roof structure, chimney and/or parapet wall, provided it shall be set back in conformance with the setback and yard requirements plus 1 foot horizontally for each foot in which it exceeds 45 feet in height above ground level. The principal or accessory structure to which it is attached may conform to setback and yard requirements with no additional setback provided the principal or accessory structure conforms to the height limitations of the zone.

**FINDING:** No buildings are proposed as part of this application, but future buildings and structures will be reviewed for conformance with the Development Code when specific development is proposed.

### **15.80.060 Restrictions on the Use of Metal Shipping Containers**

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

- A. In residential zones, no metal shipping containers shall be utilized as a dwelling at anytime, or as storage structures for greater than 30 days.
- B. In commercial zones, metal shipping containers shall not be placed on site, with the exception of short-term use for construction or relocations (30 days or less), or in the case of construction; 30 days after a certificate of occupancy has been issued.
- C. In Industrial zones, metal shipping containers are permitted for storage uses.

**FINDING:** The Applicant has not indicated any proposed use of metal containers.

### **Article 5. Development Standards**

- **Chapter 15.88 Access and Circulation**

#### **15.88.010 Purpose**

Chapter 15.88 contains standards for vehicular and pedestrian access, circulation, and connectivity. The standards promote safe, reasonably direct, and convenient options for walking and bicycling, while accommodating vehicle access to individual properties, as needed.

#### **15.88.020 Applicability**

Chapter 15.88 applies to new development and changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the City supersede City standards, Chapter 15.88 applies to all connections to a street or highway, and to driveways and walkways.

**FINDING:** The proposed subdivision is new development and necessitates the construction of new streets. As such, Chapter 15.88 applies.

#### **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.

**FINDING:** The Applicant stated in the submitted narrative, “All individual lot access permits will be secured prior to, or in association with Building Permit Review.” Criteria satisfied.

**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 Code.

**FINDING:** The Applicant submitted a Trip Generation Statement, prepared by Transight Consulting LLC, as part of their application. The document was reviewed by Staff and findings are incorporated herein.

**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.

- a. Access points to arterials and collectors may be restricted through the use of the following techniques.
  - i. Restricting spacing between access points based on the type of development and the speed along the serving collector or arterial.
  - ii. Sharing of access points between adjacent properties and developments.
  - iii. 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.
  - iv. Constructing frontage or marginal access roads to separate local traffic from through traffic.
  - v. Providing service drives to prevent overflow of vehicle queues onto adjoining roadways.
- b. Consideration of the following traffic and facility improvements for access management.
  - i. Providing of acceleration, deceleration and right-turn-only lanes.
  - ii. Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.
  - iii. Installation of median barriers to control conflicts associated with left turn movements.
  - iv. Installing side barriers to the property along the serving arterial or collector to restrict access width to a minimum.

**FINDING:** Access management restrictions and limitations are not needed as the proposal is for an 22-lot subdivision that will only access local access roads. Driveway aprons shall be installed prior to occupancy of any building on any lot.

**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.

**FINDING:** No access to Highway 97, a state highway, is proposed nor is a change of use from a use that accesses the highway proposed. This criterion does not apply.

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

**FINDING:** It does not appear that the proposed development will cross a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency.

**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 is not proposing any exceptions or adjustments. As such, this requirement does not apply at this time.

**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 Applicant is not proposing any joint use driveways. As such, this requirement does not apply at this time.

#### **15.88.040 Clear Vision Areas (Visibility at Intersections)**

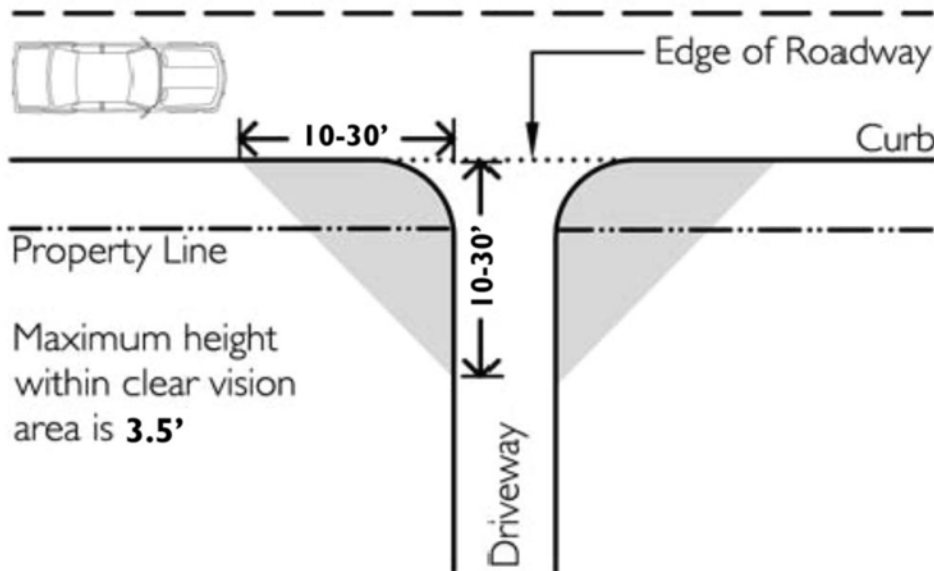
**A.** In all zones, a clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear vision area shall contain no planting, wall, structure, private signage, or temporary or permanent obstruction exceeding three and one-half 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, 10 feet.
2. In all other zones, the minimum distance shall be in relationship to street and road right of way widths as follows:

Right of way Width	Clear vision
80 feet or more	20 feet
Less than 80 feet	30 feet

Figure 15.88-1. Clear Vision Areas



**FINDING:** Clear vision standards shall be provided for throughout the development of the subdivision. Proposed street trees will be omitted in these areas. This standard is typically imposed as an ongoing condition of approval for a tentative plan. Fencing, utilities, landscaping, and other above ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height.

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 three and one-half 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. Construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.

**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:

- a. 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.
- b. 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:
  - i.** 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.
  - ii.** 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.
  - iii.** Vehicle/Walkway Separation. Except as required for crosswalks, per subsection 4, 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.
  - iv.** 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.
  - v.** Walkway Construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width, except that the City may require five- foot wide, or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than four feet.
  - vi.** Multi-Use Pathways. Multi-use pathways, where approved, shall be 10 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 proposed sidewalks follow the standards of this section. Criteria satisfied.

## **Article 5. Development Standards**

- **Chapter 15.90 Public Facilities**

### **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.
- 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:** Prior to building permit issuance, a calculation of septic tank sizing shall be provided, and the sizes of each septic tank on the site shall be shown on the construction plans. The Applicant shall locate septic tanks outside of driveway areas. If necessary to locate within driveway, tanks must be traffic rated. The Public Works Manager found that there are long sewer laterals through common areas. The Applicant shall avoid that scenario moving forward and possibly utilize existing sewer main on Anchor Way.

- 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.
- 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 is not proposing half streets.

### **15.90.030 Sewer and Water**

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

**FINDING:** Prior to building permit issuance, a water demand calculation per the Oregon plumbing code shall be provided to determine the size of the water service line and water meter necessary for the project. The Public Works Manager stated that there are no 90 degree fittings allowed on water main and hot taps will need to exist at both tie in points on Anchor way water mainline.

- 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:** All construction must meet City of La Pine Public Works Design Standards.

#### 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:** Prior to building permit issuance, stormwater calculations indicating compliance with the Central Oregon Stormwater Manual shall be provided to the City. Stormwater calculations may be depicted on the construction drawings.

#### 15.90.050 Utilities

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

**FINDING:** The Applicant has coordinated with all utility providers and has confirmation that they can serve the new lots. All necessary public utility easements for franchise utilities shall be determined in coordination with franchise utility companies and shall be dedicated on the final plat.

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

**FINDING:** The Applicant has stated that all new utilities are planned to be extended underground, in conformance with these standards. 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. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

- C. Subdivisions.** In order to facilitate underground placement of utilities, the following additional standards apply to all new subdivisions:
- a. 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.
  - b. The City reserves the right to approve the location of all surface-mounted facilities.



- c. All underground utilities installed in streets must be constructed and approved by the applicable utility provider prior to the surfacing of the streets.
- d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

**FINDING:** The Applicant stated in their submitted narrative, “The applicant has coordinated with utility providers and plans to extend services underground. The applicant understands that the City reserves the right to approve the location of any surface mounted facilities.” Criteria satisfied.

**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:** An exception to the undergrounding standard is not anticipated by the applicant and has not been requested.

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

**FINDING:** All local street requirements shall be met including cross section requirements.

#### **15.90.070 Design of Streets and Other Public Facilities**

- A. **Traffic circulation system.** The overall street system shall assure 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 there from 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 stated in the submitted narrative, “As documented on the Plan Set, the proposed transportation system improvements have been designed in conformance with City Standards. Furthermore, the application is supported by a traffic report that was prepared by Joe Bessman at Transight Consulting LLC. The traffic report documents that the existing and planned infrastructure have adequate capacity for the proposed development and that the infrastructure will be safe and efficient.” Criteria satisfied.

**B. Street location and pattern.** The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:

- a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
- b. 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
- c. Conform to the adopted La Pine Transportation System Plan as may be amended.

**FINDING:** The Applicant stated in the submitted narrative, “As documented on the Plan Set, the proposed subdivision has been designed to efficiently incorporate into the existing grid pattern. The proposed design improves Anchor Way to City Standards abutting the site and it includes effective and efficient connections thereto, along with a new internal street system.” Criteria satisfied.

**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 10 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:** No cul-de-sacs are proposed. All proposed streets are designed for connectivity. Access ways as described in this standard are not applicable to the proposed subdivision.

**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:** Future street extensions are not anticipated at this time.

**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:** Below is Table 4-4 excerpted from page 61 and cross sections from pages 64-65 of the La Pine TSP identifying Roadway Cross-Section Standards:

**Roadway Cross Section Standards**

Table 4-4 presents the dimensional standards for the five proposed functional classifications in La Pine.

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

<sup>1</sup> On low volume, low speed (>30 mph) facilities, alternative bicycle facilities can be considered at the discretion of the City  
<sup>2</sup> On-street parking provide adjacent to commercially zoned properties

**Table 4-4 Roadway Cross-Section Standards**





The Applicant stated in their submitted narrative, “As documented on the Plan Set, the new internal street is Trailhead at Anchor Way Subdivision proposed in conformance with City Standards. Furthermore, right-of-way is proposed to be improved (to a  $\frac{3}{4}$  street standard) along Anchor Way. Such a design provides City Standard travel lanes, along with on-street parking, drainage swales, and a sidewalk on the development side of the property.”

**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:** Prior to construction the proposed sidewalks shall meet the City standard of 6’ width.

**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:** Bike lanes are not required on the new local streets per the La Pine Transportation System Plan (Table 4-4 above), as cyclists can use the roadway surface of the proposed local street network.

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

- a. 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.
- b. 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.
- c. 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 proposal does not include any cul-de-sacs. Criterion doesn’t apply.

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

**FINDING:** The subject property does not contain any arterial streets. This criterion does not apply.

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

**FINDING:** Standards in 15.90.070 (J) are not applicable to the proposed subdivision.

**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:** Reserve strips or street plugs have not been proposed.

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

**FINDING:** The Applicant stated in their submitted narrative, “Anchor Way is an existing street and there are no streets to the east, to which the new street could be aligned.”

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

**FINDING:** Proposed streets intersect at right angles, in compliance with this criterion.

**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 8% on arterials, 10% on collectors and 12% 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 6% to provide for proper stopping distance during inclement weather conditions.

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

**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.

**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 has indicated in the Burden of Proof that it is their responsibility to provide and install any required traffic control signs.

**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 proposal does not include alleys.

**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:** The Applicant stated in the submitted narrative, "New pavement is proposed on Anchor Way and new streets (and pavement) are proposed internally. The design has been coordinated with the City Engineer through pre-submittal correspondence and it does not include curbs." Staff approves of the proposed design including the use of pavement as opposed to curbs.

**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 (1) fixture and be located at the intersection of streets.

**FINDING:** Street lights shall be installed and provided at the following locations: Intersections, Mid-block for blocks longer than 400 feet from center of intersection to center of intersection. Poles and fixtures shall conform to the power provider standards. Standard Mid State Electric head fixtures shall be used.

**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:** Per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage, and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.

**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:** The Applicant notes that the proposed drainage swales will be in accordance with applicable standards.

**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:** Gates are not proposed as part of the subdivision.

### 15.90.080 Traffic Impact Analysis

**A. Purpose.** The purpose of this subsection is 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:

- a. A change in zoning or a plan amendment designation;
- b. Operational or safety concerns documented in writing by a road authority;
- c. An increase in site traffic volume generation by [300] Average Daily Trips (ADT) or more;
- d. An increase in peak hour volume of a particular movement to and from a street or highway by [20] percent or more;
- e. An increase in the use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day;
- f. 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;
- g. A change in internal traffic patterns that may cause safety concerns; or
- h. 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.

**FINDING:** The proposal results in less than 300 new ADT and therefore does not require a TIA. Criteria do not apply.

**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 (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.

- a. The standard improvement conflicts with an adopted capital improvement plan.
- b. The standard improvement would create a safety hazard.
- c. 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.
- d. 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:** Applicant does not propose deferral of street improvements. These criteria do not apply.

**Article 5. Development Standards**

- **Chapter 15.92 Additional Standards for Land Divisions**

**15.92.010 Lots and Blocks.**

**A. Blocks.** The resulting or proposed length, width and shape of blocks shall take into account the requirements for adequate building lot sizes, street widths, access needs and topographical limitations.

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

**FINDING:** The Applicant stated in the submitted narrative, “The property is abutted by Anchor Way to the east and larger lots to the west. The proposal includes one new block, however the property width is not large enough to allow for 2 tiers of lots for the new internal block. Nonetheless, the western perimeter lots abut a property to the west, effectively creating 2 tiers of lots on the western portion of the site / outer block.” Criteria satisfied.

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

**FINDING:** The proposed lot size, shape and orientation are appropriate for the intended residential development and are consistent with the RSF and CRMX Zones. There are no topographical constraints imposed by the terrain of the subject property as the entire site is relatively featureless and flat. As such, this criterion is satisfied.

**C. Access.** Each resulting or proposed lot or parcel shall abut upon a public street, other than an alley, for a width of at least 50 feet except as otherwise provided for in this Code (e.g., for townhomes). For lots fronting on a curvilinear street or cul-de-sac, the City may approve a reduced width, but in no case shall a width of less than 35 feet be approved.

**FINDING:** The Applicant stated in the submitted narrative, "Regarding frontages, the lots are proposed on streets and knuckles (or cul-de-sac design elements) at the corners. All lots have frontages of at least 50 feet along the streets, and at least 35 feet abutting the knuckle (cul-de-sac) elements." Criteria satisfied.

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

**FINDING:** The Applicant has indicated in the Burden of Proof that all lots are at right angles to the street that they front on. Criterion satisfied.

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

**FINDING:** The submitted Tentative Plan does not propose a division by boundary, ROW or drainage way.

**F. Grading, cutting and filling of building lots or sites.** Grading, cutting and filling of building lots or sites shall conform to the following standards unless physical conditions warrant other standards as demonstrated by a licensed engineer or geologist, and that the documentation justifying such other standards shall be set forth in writing thereby.

- a. Lot elevations may not be altered to more than an average of three feet from the natural pre-existing grade or contour unless approved otherwise by the city.
- b. Cut slopes shall not exceed one foot vertically to one and one-half feet horizontally.
- c. Fill slopes shall not exceed one foot vertically to two feet horizontally.
- d. Where grading, cutting or filling is proposed or necessary in excess of the foregoing standards, a site investigation by a registered geologist or engineer shall be prepared and submitted to the city as a part of the tentative plan application.
  - i. The report shall demonstrate construction feasibility, and the geologist or engineer shall attest to such feasibility and shall certify an opinion that construction on the cut or fill will not be hazardous to the development of the property or to surrounding properties.



- ii. The Planning Commission shall hold a public hearing on the matter in conformance with the requirements for a Conditional Use permit, however, such may be included within the initial hearing process on the proposed development.
- iii. The Planning Commission's decision on the proposal shall be based on the following considerations.
  1. That based on the geologist's or engineer's report, that construction on the cut or fill will not be hazardous or detrimental to development of the property or to surrounding properties.
  2. That construction on such a cut or fill will not adversely affect the views of adjacent property(ies) over and above the subject site without land alteration, or that modifications to the design and/or placement of the proposed structure will minimize the adverse impact.
  3. That the proposed grading and/or filling will not have an adverse impact on the drainage on adjacent properties, or other properties down slope.
  4. That the characteristics of soil to be used for fill, and the characteristics of lots made usable by fill shall be suitable for the use intended.

**FINDING:** The subject property is relatively flat, and no significant cut or fill are proposed. These provisions can be reviewed in detail for conformance as applicable to Building Codes during the building permit review process.

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

**FINDING:** The Applicant stated in the submitted narrative, "The proposal results in 4 double frontage lots, which are necessary, do to the property dimensions, the Anchor Way street location, and the existing development pattern in the area. Providing efficient development and a functional transportation system throughout the development site would not be possible without the double frontage lots, as proposed. Furthermore, the applicant is proposing a common amenity, which for all except Lot 18, will effectively remove the western frontage of lots 19-21. Given the minor number of double frontage lots and the fact that no negative impacts will be created from the double frontage lots (as proposed), additional mitigating measure allowed (but not required) by this section are not expected to be imposed." Criteria satisfied.

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

**FINDING:** Special building setback lines are not proposed as part of the subdivision. Lots shall comply with setback requirements (or applicant shall receive approved variances for such).

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

**FINDING:** This standard is not applicable as the subdivision does not include large lots where future redivision is likely or possible.

### 15.92.020 Easements

- A. Utility lines.** Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 10 feet wide and centered on a rear and/or side lot line unless approved otherwise by the City. Utility pole tie-back easements may be reduced to 5 feet in width.

**FINDING:** The Applicant has indicated a willingness to provide easements for utilities if necessary.

- B. Water courses.** If a tract is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further widths as deemed necessary.

**FINDING:** No watercourses traverse the subject properties. As such, this standard is not applicable.

- C. Pedestrian and bicycle ways.** When desirable for public convenience, a pedestrian and/or bicycle way of not less than 10 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation. Improvement of the easement with a minimum 5-foot wide paved or other suitable surface will be required.

**FINDING:** The proposal includes sidewalks to accommodate pedestrians.

- D. Sewer and water lines.** Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the City Public Works Department and/or Water and Sewer District.

**FINDING:** The Applicant stated in the submitted narrative, "Existing water and sewer mains are located within the abutting Anchor Way right-of-way and/or easements and all new mains will be located within dedicated right-of-way. As documented on the Plan Set, individual service lines are planned to be extended to each of the new lots directly from the adjacent mains. It is not anticipated that water or sewer lines will need to cross any parcels; therefore it is not anticipated that additional easements, noted in this section, will be necessary."

### 15.92.030 Land for Public Purposes

- A.** If the City has an interest in acquiring a portion of a proposed development for a public purpose, it shall notify the property owner as soon as the City Council authorizes the transaction to proceed.

- B. Within a development, or adjacent to a development in contiguous property owned by the developer, a parcel of land of not more than 5% of the gross area of the development may be required to be set aside and dedicated to the public for parks and recreation purposes by the developer. The parcel of land, if required, shall be determined to be suitable for the park and/or recreation purpose(s) intended, and the city may require the development of the land for the park or recreation use intended or identified as a need within the community.
- C. In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.
- D. If there is a systems development charge in effect for parks, the foregoing land and development or money dedication (if required) may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency in accordance with the applicable provisions of the system development charge ordinance. If the collecting agency will not permit the land or money dedication in lieu of an applicable systems development charge, then the land and development or money dedication shall not be required.
- E. If the nature and design, or approval, of a development is such that over 30% of the tract of land to be developed is dedicated to public uses such as streets, water or sewer system facilities and the like, then the requirements of this subsection shall be reduced so that the total obligation of the developer to the public does not exceed 30%.

**FINDING:** The Applicant proposes a park area on lots 19-21.

#### **Article 5. Development Standards**

- **Chapter 15.94 Improvement Procedures and Guarantees**

##### **15.94.010 Improvement Procedures**

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

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

- 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.
- 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:** 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. As Builts shall be submitted on a coordinate system recognized by the State of Oregon or on the Deschutes County Coordinate System.

#### **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.
- B. Bond or other performance assurance.** The developer shall file with the agreement, to assure 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.
  - a.** 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.
  - b.** 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.
  - c.** Cash deposit.
  - d.** Such other security as may be approved and deemed necessary by the City Council to adequately assure 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% for contingencies.
- D. Default status.** If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the City shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the City, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.

**FINDING:** The Applicant plans to install and construct all required infrastructure improvement as required. For informational purposes, and as approved by the City Engineer, public improvements must be constructed prior to final plat, or an approved performance assurance mechanism and associated improvement agreement with specific construction times outlined, may be filed with the City for construction of items not necessary for safety or required connectivity. All such agreements shall be reviewed and approved by the City Engineer and shall be in compliance with LPDC 15.94.020.

#### **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.
- 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:** These shall be a Condition of Approval. Prior to issuance of building permits or sale/occupancy of any lot, all lots shall be served by sewer and water service and streets shall be constructed/improved as required by this decision and approval of construction plans by the City Engineer.

#### **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% 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:** This is a recommended Condition of Approval. Prior to building permit issuance, construction plans shall be prepared and approved by the City of La Pine, and the developer shall provide the City with a performance guarantee of 120% of the value of public improvements included in the project.

#### **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.

**FINDING:** While this need is not anticipated, the applicant acknowledges the possibility of the provisions of this section in their Burden of Proof.

## **Article 7. Procedures**

- **Chapter 15.204 Application Procedures**

### **15.204.030 Type III Procedure (Quasi-Judicial Review – Public Hearing)**

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. Except that prior to becoming effective, all quasi-judicial Comprehensive Plan amendments and Zone changes shall be adopted by the City Council. In considering all quasi-judicial Comprehensive Plan amendments and Zone changes on which the Planning Commission has authority to make a decision, the City Council shall, in the absence of an appeal or review initiated by the Council, adopt the Planning Commission decision. No argument or further testimony will be taken by the Council.

#### **A. Application Requirements.**

- a. Application Forms.** Applications requiring Quasi-Judicial review shall be made on forms provided by the City Planning Official.
- b. Submittal Information.** The City Planning Official shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:
  - i. The information requested on the application form;
  - ii. Plans and exhibits required for the specific approval(s) being sought;
  - iii. A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;
  - iv. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
  - v. The required fee; and
  - vi. Evidence of neighborhood contact, as applicable, pursuant to Section 15.202.050.

**FINDING:** The Applicant submitted an application, Tentative Plan, Burden of Proof, fee, and supporting materials required for Type III review of a Preliminary Plat for a Subdivision. The application requirements were met.

#### **B. Mailed and Posted Notice of a Public Hearing.**



- a. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. 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. Notice shall be mailed to:
- i. The applicant;
  - ii. 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;
  - iii. The owner of a public use airport if the airport is located within 10,000 feet of the subject property;
  - iv. The tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park;
  - v. The Planning Commission;
  - vi. Any neighborhood or community organization formally recognized by the City Council, whose boundaries include the site;
  - vii. Any person who submits a written request to receive a notice; and
  - viii. 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 Code.
- b. In addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the County at least 10 days prior to the hearing
- c. At least 14 days before the first hearing, the City shall post notice of the hearing on the project site in clear view from a public right-of-way.
- d. Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:
- i. A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;
  - ii. The date, time, and location of the scheduled hearing;
  - iii. The street address or other clear reference to the location of the proposed use or development;

- iv. A disclosure statement 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 City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
- v. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Planning Official, and that copies shall be provided at a reasonable cost;
- vi. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
- vii. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
- viii. A statement that after the public hearing 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:** Notice of the public hearing was sent to neighbors within 100 feet and to the City's agency notification list on 06/22/22. The notice followed the City's standard notice format for a quasi-judicial land use application and included the above required elements. Notice was posted on site and the in the local paper (Wise Buys) in compliance with these requirements.

### **C. Setting the hearing.**

- A. After an application is deemed accepted a hearing date shall be set. A hearing date may be changed by the City staff, or the Hearings Body up until the time notice of the hearing is mailed. Once the notice of hearing is mailed any changes in the hearing date shall be processed as a continuance in accordance with Subsection G.
- B. If an applicant requests that a hearing date be changed, such request shall be granted only if the applicant agrees that the extended time period for the hearing shall not count against the 120-day time limit set forth in Section 15.202.020.

**FINDING:** The hearing date was set for July 20, 2022. Continuances may be allowed in accordance with subsection (G) below.

### **D. Ex Parte Contact, Personal Knowledge and Bias.**

- a. The public is entitled to an impartial hearing body as free from potential conflicts of interest and pre-hearing ex parte (outside the hearing) contacts as reasonably possible. Where questions related to ex parte contact are concerned, members of the hearing body shall follow the guidance for disclosure of ex parte contacts contained in ORS 227.180. Where a real conflict of interest arises, that member or members of the hearing body shall not participate in the hearing, except where state law provides otherwise. Where the appearance of a conflict of interest is likely, that member or members of the hearing body shall individually disclose their relationship to the parties in the public

hearing and state whether they are capable of rendering a fair and impartial decision. If they are unable to render a fair and impartial decision, they shall be excused from the proceedings.

Prior to making a decision, the Hearings Body or any member thereof shall not communicate directly or indirectly with any party or his representative in connection with any issue involved in a pending hearing except upon notice and opportunity for all parties to participate. Should such communication whether written or oral occur, the Hearings Body member shall:

- i. Publicly announce for the record the substance of such communication; and
  - ii. Announce the parties' right to rebut the substance of the ex parte communication during the hearing. Communication between City staff and the Hearings Body shall not be considered to be an ex parte contact.
- b. If the Hearings Body or any member thereof uses personal knowledge acquired outside of the hearing process in rendering a decision, the Hearings Body or member thereof shall state the substance of that knowledge on the record and allow all parties the opportunity to rebut such statement on the record. For the purposes of this section, a site visit by the Hearings Body shall be deemed to fall within this rule. After the site visit has concluded, the Hearings Body must disclose its observations and conclusions gained from the site visit in order to allow for rebuttal by the parties.
- c. Prior to or at the commencement of a hearing, any party may challenge the qualification of the Hearings Body, or a member thereof, for bias, prejudice or personal interest. The challenge shall be made on the record and be documented with specific reasons supported by facts. Should qualifications be challenged, the Hearings Body or the member shall disqualify itself, withdraw or make a statement on the record of its capacity to hear.

**FINDING:** The Planning Commission will host a hearing in accordance with these standards and will follow standard procedures, including disclosure of ex parte contact, personal knowledge and bias.

**E. Conduct of a Quasi-Judicial Public Hearing. A hearing shall be conducted as follows:**

- a. The Hearings Body shall explain the purpose of the hearing and announce the order of proceedings, including reasonable time limits on presentations by parties.
- b. A statement by the Hearings Body regarding pre-hearing contacts, bias, prejudice or personal interest shall be made.
- c. Any facts received, noticed or recognized outside of the hearing shall be stated for the record.
- d. Challenges to the Hearings Body's qualifications to hear the matter shall be stated and challenges entertained.
- e. The Hearings Body shall list applicable substantive criteria, explain that testimony and evidence must be directed toward that criteria or other criteria in the comprehensive plan or land use regulations that the person believes to apply to the decision, and that failure



to address an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond precludes appeal to LUBA based on that issue.

f. Order of presentation:

1. Open the hearing.
  2. Staff report.
  3. Proponents' presentation.
  4. Opponents' presentation.
  5. Proponents' rebuttal.
  6. Opponents' rebuttal may be allowed at the Hearings Body's discretion.
  7. Staff comment.
  8. Questions from or to the chair may be entertained at any time at the Hearings Body's discretion.
  9. Close the hearing.
- g. The record shall be available for public review at the hearing.
- h. At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and make a decision based on the facts and arguments in the record.
- i. Throughout all local land use proceedings, the burden of proof rests on the applicant.
- j. Any interested person may appear and be heard in a land use action hearing, except that in appeals heard on the record, a person must have participated in a previous hearing on the subject application. Any person appearing on the record at a hearing (including appeals) or presenting written evidence in conjunction with an administrative action or hearing shall have standing and shall be a party. A person whose participation consists only of signing a petition shall not be considered a party.

**FINDING:** These hearing procedures will be followed.

**F. Close of the record.**

- a. Except as set forth herein, the record shall be closed to further testimony or submission of further argument or evidence at the end of the presentations before the Hearings Body.
- b. If the hearing is continued or the record is held open under Subsection G, further evidence or testimony shall be taken only in accordance with the provisions of Subsection G.
- c. Otherwise, further testimony or evidence will be allowed only if the record is reopened under Subsection H.
- d. An applicant shall be allowed, unless waived, to submit final written arguments in support of its application after the record has closed within such time limits as the Hearings Body shall set. The Hearings Body shall allow applicant at least seven days to submit its argument, which time shall be counted against the 120-day time limit for decision.

**G. Continuances or record extensions.**

- a. Grounds.

- i. Prior to the date set for an initial hearing, an applicant shall receive a continuance upon any request if accompanied by a corresponding suspension of the 120 day limit for decision. If a continuance request is made after the published or mailed notice has been provided by the City, the Hearings Body shall take evidence at the scheduled hearing date from any party wishing to testify at that time after notifying those present of the continuance.
- ii. Any party is entitled to a continuance of the initial evidentiary hearing or to have the record left open in such a proceeding in the following instances:
  - i. Where additional documents or evidence are submitted by any party; or
  - ii. Upon a party's request made prior to the close of the hearing for time to present additional evidence or testimony.

For the purposes of subsection (i), "additional documents or evidence" shall mean documents or evidence containing new facts or analysis that are submitted after notice of the hearing.

- iii. The grant of a continuance or record extension in any other circumstance shall be at the discretion of the Hearings Body.
- b. Continuances.**
- i. If the Hearings Body grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial hearing.
  - ii. An opportunity shall be provided at the continued hearing for persons to rebut new evidence and testimony received at the continued hearing.
  - iii. If new written evidence is submitted at the continued hearing, any person may request prior to the conclusion of the continued hearing that the record be left open for at least seven days to allow submittal of additional written evidence or testimony. Such additional written evidence or testimony shall be limited to evidence or testimony that rebuts the new written evidence or testimony.
- c. Leaving record open.** If at the conclusion of the hearing the Hearings Body leaves the record open for additional written evidence or testimony, the record shall be left open for at least 14 additional days, allowing at least the first seven days for submittal of new written evidence or testimony and at least seven additional days for response to the evidence received while the record was held open. Written evidence or testimony submitted during the period the record is held open shall be limited to evidence or testimony that rebuts previously submitted evidence or testimony.
- d.** A continuance or record extension granted ... shall be subject to the 120-day time limit unless the continuance or extension is requested or otherwise agreed to by the applicant. When the record is left open or a continuance is granted after a request by an applicant, the time period during which the 120-day time limit is suspended shall include the time period made available to the applicant and any time period given to parties to respond to the applicant's submittal.

## H. Reopening the record.

A. The Hearings Body may at its discretion reopen the record, either upon request or on its own initiative. The Hearings Body shall not reopen the record at the request of an applicant unless the applicant has agreed in writing to a suspension of the 120-day time limit.

### B. Procedures.

1. Except as otherwise provided for in this section, the manner of testimony (whether oral or written) and time limits for testimony to be offered upon reopening of the record shall be at the discretion at the Hearings Body.
2. The Hearings Body shall give written notice to the parties that the record is being reopened, stating the reason for reopening the record and how parties can respond. The parties shall be allowed to raise new issues that relate to the new evidence, testimony or criteria for decision-making that apply to the matter at issue.

**FINDING:** The procedures for closing the record, continuing the record, and reopening the record will be followed.

I. **Notice of Quasi-Judicial Decision.** A Hearings Body's decision shall be in writing and mailed to all parties; however, one person may be designated by the Hearings Body to be the recipient of the decision for a group, organization, group of petitioners or similar collection of individual participants. The Notice of Quasi- Judicial 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 Planning Commission's decision to City Council pursuant to Subsection K or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

**FINDING:** Notice of the Planning Commission Decision will be mailed in accordance with these procedures.

J. **Effective Date of Decision.** Unless the conditions of approval specify otherwise, a Quasi-Judicial Decision becomes effective 12 days after the City mails the decision notice, unless the decision is appealed pursuant to Subsection K or unless the decision is called up for review by the City Council pursuant to Section 15.204.020(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, but any development that occurs during the pendency of appeals beyond



the local level are at the sole risk of the applicant and the City may require execution of an instrument acknowledging such fact prior to issuance of any building permits.

**FINDING:** In accordance with this requirement, the effective date of the Planning Commission Decision will be 12 days after the City mails the Decision notice, unless an Appeal is filed in accordance with Subsection K. No building permits will be issued until the Decision is final.

**K. Appeal of Planning Commission Decision.** The Planning Commission's decision may be appealed to the City Council as follows:

- a. Who may appeal. The following people have legal standing to appeal:
  - i. The applicant or owner of the subject property; and
  - ii. Any other person who testified orally or in writing during the subject public hearing before the close of the record.
- b. Appeal filing procedure. Appeals shall be filed in accordance with Chapter 15.212.

**FINDING:** If the decision is appealed, these procedures must be followed.

#### **Article 9. Land Divisions**

- **Chapter 15.402 General Provisions**

##### **15.402.010 Purpose**

It is the purpose of this Article 9, in accordance with the provisions of ORS Chapters 92 and 227, to provide for minimum standards governing the approval of land divisions, including subdivisions and land partitions, as necessary to carry out the needs and policies for adequate traffic movement, water supply, sewage disposal, drainage and other community facilities, to improve land records and boundary monumentation and to ensure equitable processing of subdivision, partitioning and other land division activities within the city and the surrounding urban area.

##### **15.402.020 Applicability**

No person may subdivide, partition or otherwise divide land, or create a planned unit or cluster development, or create a street for the purpose of developing land except in accordance with the provisions of this Article 9, this chapter and ORS Chapters 92.012 and 277.100.

**FINDING:** The submitted application is for a Tentative Plan for a subdivision and is subject to the subdivision requirements and criteria of Article 9.

#### **Article 9. Land Divisions**

- **Chapter 15.406 Subdivisions and Planned Unit Developments (PUD)**

##### **15.406.010 Subdivision Applications**

**A. Application.** Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the City. The application shall be accompanied with either an outline development plan as provided for in division (B) of this section, or a tentative plan as set forth in division (C) of this section, together with improvement plans and other supplementary

material as may be required, and the materials required for the applicable review type as specified in Article 7. The number of copies required shall be as specified on the application form. The date of filing shall be construed to be the date on which all of the foregoing materials are received and accepted by the appropriate city official.

**B. Outline development plan.** The submittal of an outline development plan in the subdivision application process is at the option of the applicant and/or developer. If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth below.

...

**FINDING:** The Applicant chose to skip the step of submitting an outline plan and instead submitted a tentative plan, as allowed by this section.

**C. Tentative plan required.** Following or in conjunction with submittal and approval of an outline development plan and subdivision application, or as an initial subdivision application, any person proposing a subdivision shall submit a tentative plan together with the accompanying information and supplemental data, prepared and submitted in accordance with the provisions of this section and materials required for a Type III review as specified in Article 7. (ORS 92.040). Note: Applicants should review the design standards set forth in Article 5 prior to preparing a tentative plan for a development.

**a. Scale of tentative plan.** The tentative plan of a proposed subdivision shall be drawn on a sheet 18 by 24 inches in size or multiples thereof at a scale of one inch equals 100 feet or multiples thereof as approved by the Planning Official. (ORS 92.080). In addition, at least one copy of the plan on a sheet of paper measuring 8 1/2 inches by 11 inches or 11 inches by 17 inches shall be provided for public notice requirements.

**b. Information requirements.** The following information shall be shown on the tentative plan or provided in accompanying materials. No tentative plan submittal shall be considered complete, unless all such information is provided unless approved otherwise by the Planning Official.

**i. General information required.**

1. Proposed name of the subdivision.
2. Names, addresses and phone numbers of the owner of record and subdivider, authorized agents or representatives, and surveyor and any assumed business names filed or to be filed by the owner or subdivider in connection with the development.
3. Date of preparation, north point, scale and gross area of the development.
4. Identification of the drawing as a tentative plan for a subdivision.
5. Location and tract designation sufficient to define its location and boundaries, and a legal description of the tract boundaries in relation to existing plats and streets.

**ii. Information concerning existing conditions.**

1. Location, names and widths of existing improved and unimproved streets and roads within and adjacent to the proposed development.
2. Location of any existing features such as section lines, section corners, city and special district boundaries and survey monuments.
3. Location of existing structures, fences, irrigation canals and ditches, pipelines, waterways, railroads and natural features, such as rock outcroppings, marshes, wetlands, geological features and natural hazards.
4. Location and direction of water courses, and the location of areas subject to erosion, high water tables, and storm water runoff and flooding
5. Location, width and use or purpose of any existing easements or rights-of-way within and adjacent to the proposed development.
6. Existing and proposed sewer lines, water mains, culverts and underground or overhead utilities within and adjacent to the proposed development, together with pipe sizes, grades and locations.
7. Contour lines related to some established bench mark or other acceptable datum and having minimum intervals of not more than 20 feet.

**iii. Information concerning proposed subdivision.**

1. Location, names, width, typical improvements, cross-sections, approximate grades, curve radii and length of all proposed streets, and the relationship to all existing and projected streets.
2. Location, width and purpose of all proposed easements or rights-of-way, and the relationship to all existing easements or rights-of-way.
3. Location of at least one temporary benchmark within the proposed subdivision boundary.
4. Location, approximate area and dimensions of each lot and proposed lot and block numbers.
5. Location, approximate area and dimensions of any lot or area proposed for public, community or common use, including park or other recreation areas, and the use proposed and plans for improvements or development thereof.
6. Proposed use, location, area and dimensions of any lot which is intended for nonresidential use and the use designated thereof.
7. An outline of the area proposed for partial recording on a final plat if phased development and recording is contemplated or proposed.
8. Source, method and preliminary plans for domestic water supply, sewage disposal, solid waste collection and disposal and all utilities.



**9. Stormwater and other drainage plans.**

**FINDING:** This application is for approval of a Tentative Plan for a subdivision on a vacant and undeveloped parcel with little to no existing infrastructure or features. Any information for which the City needs additional details is noted as a recommended condition of approval.

**D. Master development plan required.** An overall master development plan shall be submitted for all developments planning to utilize phase or unit development. The plan shall include, but not be limited to, the following elements.

- a. Overall development plan, including phase or unit sequences and the planned development schedule thereof.
- b. Schedule of improvements initiation and completion.
- c. Sales program timetable projection.
- d. Development plans of any common elements or facilities.
- e. Financing plan for all improvements.

**FINDING:** The proposal is not for phased development. Criteria do not apply.

**E. Supplemental information required.** The following supplemental information shall be submitted with the tentative plan for a subdivision.

- f. Proposed deed restrictions or protective covenants, if such are proposed to be utilized for the proposed development.

**FINDING:** The Applicant provided draft CC&Rs as part of the application. Criteria satisfied.

- g. Reasons and justifications for any variances or exceptions proposed or requested to the provisions of this subchapter, the applicable zoning regulations or any other applicable local, state or federal ordinance, rule or regulation.

**FINDING:** The Applicant is not requesting any variances or exceptions at this time.

**F. Tentative plan review procedures.**

- a. Tentative plan review shall follow the Type III review procedures in Article 7.
- b. The decision on a tentative plat shall be set forth in a written decision, and in the case of approval shall be noted on not less than two copies of the tentative plan, including references to any attached documents setting forth specific conditions.

**FINDING:** The tentative plan review is following the Type III review procedures in Article 7. Following a hearing, the Planning Commission will decide on the proposal and will issue a written Decision in accordance with this requirement.

**G. Tentative approval relative to final plan.** Approval of the tentative plan shall not constitute final acceptance of the final plat of the proposed subdivision for recording. However, approval of the tentative plan shall be binding upon the city for preparation of the final plat and the city may require only such changes as are deemed necessary for compliance with the terms of its approval of the tentative plan.

**H. Resubmission of denied tentative plan.** Resubmittal shall be considered a new filing, but shall require the applicant to consider all items for which the prior denial was based, in addition to the other filing requirements set forth by this chapter.

**FINDING:** These Tentative Plan and Final Plan requirements and procedures will be followed and enforced by the City.

**I. Requirements for approval.** An outline development plan or a tentative plan for a subdivision shall not be approved unless it is found, in addition to other requirements and standards set forth by this chapter and other applicable City of La Pine ordinances, standards and regulations, that the following requirements have been met:

- a. The proposed development is consistent with applicable density and development standards set forth of the applicable zone in Article 3. All lots conform to the applicable lot standards of the zoning district including density, lot area, dimensions, setbacks, and coverage.

**FINDING:** Compliance with the relevant development standards is reviewed in sections above. If the proposal is deemed to meet all relevant development requirements and standards, as conditioned, then this criterion will be met as well.

- b. The proposal is in compliance with any applicable overlay zone regulations in Article 4.

**FINDING:** The subject property is not within any Overlay Zones in Article 4. Criterion does not apply.

- c. The proposal is in compliance with the design and improvement standards and requirements set forth in Article 5, or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.

**FINDING:** This application is reviewed herein for compliance with the design and improvement standards and requirements of Article 5. Staff finds that the application either meets these standards or can meet them with conditions of approval.

- d. The applicant has demonstrated that adequate public facilities are available or can be made available at the time of development, and if necessary that the developer has proposed adequate and equitable improvements and expansions to the facilities to bring the facilities and services up to an acceptable capacity level.

**FINDING:** The Applicant stated in the submitted narrative, "The surrounding area is served by existing water and sewer mains that are located with the Anchor Way right-of-way, which can be extended to serve the proposed development. The existing mains and proposed improvements have or will have adequate capacity to accommodate the proposed land division. It is not anticipated that upgrades to the existing mains will be necessary or that over-sizing will be needed for this small land division. Anchor Way is an existing street that is improved within varying widths of easements and/or right-of-way. The proposed design will improve the right-of-way in Anchor Way abutting the subject property. The proposed

design will bring the abutting right-of-way into conformance with City standards to the maximum extent possible. The proposed improvements will then taper and incorporate with the existing improvements in Anchor Way in an efficient manner and consistent with City Standards. The proposed design conforms to the standards of this section. Furthermore, the proposal includes a new internal street that will be constructed in conformance with City Standards. A Traffic Engineer has reviewed the proposal and has reported that with the proposed design, adequate capacity will be provided. Overall, as detailed in this section and noted throughout this narrative, adequate public facilities are available and/or can be made available at the time of development.”

- e. The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this Code and the Comprehensive Plan.

**FINDING:** It appears to Staff the none of these resources are present. As such, unless proven otherwise, this criterion is not applicable.

- f. The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a six mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (ORS 92.090)

**FINDING:** The Applicant proposes the name, “Trailhead” in the Burden of Proof document and on the Tentative Plan. Applicant shall submit the proposed name to the County Surveyor for review and approval.

- g. The streets and roads are laid out so as to conform to an adopted Transportation System Plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern.

**FINDING:** The Applicant stated in the submitted narrative, “The proposed design integrates into the existing road grid (on Anchor Way) in a safe and efficient manner, consistent with Development Code requirements and the adopted Transportation System Plan.”

- h. Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements.

**FINDING:** The Applicant indicated in their Burden of Proof that proposed streets will be dedicated to the public.

- i. Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.

**FINDING:** No specific measurable adverse impacts to neighboring properties have been identified.

- j. Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.



**FINDING:** The Applicant stated in the submitted narrative, “All surrounding properties have access via dedicated right-of-way and/or easements. The proposal will improve the right-of-way in Anchor Way (bringing the street into conformance with City Standards). The proposed right-of-way dedications and planned improvements will continue to provide and improve access for abutting properties, consistent with this criterion.”

#### **15.406.020 Final Plat for a Subdivision**

##### **A. Submission of final plat.**

###### **1. Time requirement.**

- a. Except as otherwise approved in accordance with the approval of a master plan for a subdivision planned for unit or phase development, the subdivider shall, within two years after the date of approval of the tentative plan for a subdivision, prepare and submit the final plat for a subdivision that is in conformance with the tentative plan as approved and with all conditions applicable thereto. The number of copies required shall be as specified on the application form.

...

**FINDING:** Final Plat shall be recorded within two years of the Tentative Plan Decision. Improvements shall be designed, installed and constructed at the time of final plat recordation or as otherwise required by the City.

#### **15.406.040 Subdivisions and PUD Review**

- A. Review of a subdivision or planned unit development shall follow the Type III review procedures set forth in Article 7.
- B. Public hearing and notice required. Neither an outline development plan or a tentative plan for a proposed subdivision or PUD may be approved unless the City first advertises and holds a public hearing thereon according to applicable requirement in Article 7.

**FINDING:** Review of the proposed Subdivision is following the Type III review procedures set forth in Article 7. A hearing was scheduled for July 20, 2022 and as noted herein, was properly noticed through mailings, on site posting, and newspaper notice.

#### **Article 9. Land Divisions**

- **Chapter 15.418 Processing and Recording Procedures**

#### **15.418.010 Processing and Recording Subdivision and Partition Maps**

- A. Submit one reproducible paper, vellum or mylar map copy to the County Surveyor.
- B. Submit closure sheets for the surveyor's certificate and a closure sheet for each lot or parcel created, and a closure sheet for dedicated areas such as roadways or public facility lots.
- C. Submit the required County Surveyor review fee as appropriate for the subdivision or partition.
- D. Submit a title report for the subdivision.

- E. Submit a post-monumentation certificate stating the intent and completion date and a bonding estimate for all subdivision plats proposed for post-monumentation. The bonding estimate is to be 120% of the estimated actual costs, office and field.
- F. After preliminary initial review of the plat, resubmit the final plat prepared on double matte four mil minimum thickness mylar, with corrections made, to the County Surveyor for final approval and signature.
- G. Remaining approval signatures shall then be executed and the final maps and an exact copy thereof submitted to the County Surveyor for recording into the survey records prior to submittal to the County Clerk for recording. The exact copy shall comply with the requirements of ORS Ch. 92 and other applicable statutes and be submitted on four mil thickness mylar.
- H. The County Surveyor recording fee shall be submitted with the final plat along with any required post-monumentation bond or letter executed by the City Attorney that the bonding requirements are met.
- I. The plat shall then be submitted to the County Clerk along with the required recording fee. After recording information is placed on the exact copy by the County Clerk, the exact copy and the required number of prints showing the recording information shall be submitted to the County Surveyor to complete the process. The number of prints required shall be twelve for a subdivision plat and six prints for a partition unless a greater number is requested by the County Surveyor at initial review.
- J. Copies of the exact copy of the final plat showing the recording information shall also be submitted to the City Planning Official, together with an electronic copy in a format approved by the City. The scale and format of the plans and the number of copies required shall be as specified on the application form.

**FINDING:** The Applicant shall follow these procedures for all final plat submittals.

#### **V. CONCLUSION AND RECOMMENDATION:**

Based on the submitted application materials and the above Findings, Staff recommends that the Applicant has met or can meet with the Conditions of Approval noted herein, the applicable criteria for a Tentative Plan for a subdivision to include 22 residential lots and associated infrastructure improvements.

#### ***Recommended Conditions of Approval:***

##### **GENERAL:**

1. 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. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.
2. Clear vision standards be provided for through the development of the Subdivision. Proposed street trees will be omitted in these areas. This standard is typically imposed as an ongoing condition of approval for a tentative plan. Fencing, utilities, landscaping, and other above ground features should be prohibited within the intersection sight distance triangles near internal intersections. Within these areas a clear space should be maintained between two-feet and eight-feet in height. No above ground equipment shall obstruct vision clearance areas for vehicular traffic.

3. Final plat shall be recorded within two years of the tentative plan decision.
4. Per City of La Pine Ordinance No 2015-05 Section 6.12, the property owner of all proposed parcels will be responsible for maintenance and repair of the sewer/septic system to the point where the building sewer is connected to a City sewer main. This responsibility includes any costs of maintenance, repair, damage, and/or injury. The owner will be liable for any damage to the City system caused by an act of the owner and/or its tenants(s), agent(s), employee(s), contractor(s), licensee(s), and/or permittee(s). If any break, leak, and/or other damage to a building sewer occurs, the owner of the property served by the building sewer will cause repairs to be made immediately to minimize any sewer spillage.
5. All construction must meet City of La Pine Public Works Design Standards.

**PRIOR TO FILING OF FINAL PLAT:**

1. Applicant shall submit the proposed name to the County Surveyor for review and approval.
2. 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. As Builts shall be submitted on a coordinate system recognized by the State of Oregon or on the Deschutes County Coordinate System.
3. 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 three and one-half 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. Construction plans shall demonstrate compliance with these clear vision standards and shall be submitted to the City for review and approval prior to construction.
4. All necessary public utility easements for franchise utilities shall be determined in coordination with franchise utility companies and shall be dedicated on the final plat.
5. Street lights shall be installed and provided at the following locations: Intersections, Mid-block for blocks longer than 400 feet from center of intersection to center of intersection. Poles and fixtures shall conform to the power provider standards. Standard Mid State Electric head fixtures shall be used.
6. As approved by the City Engineer, public improvements must be constructed prior to final plat, or an approved performance assurance mechanism and associated improvement agreement with specific construction times outlined, may be filed with the City for construction of items not necessary for safety or required connectivity. All such agreements shall be reviewed and approved by the City Engineer and shall be in compliance with LPDC 15.94.020.

**PRIOR TO CONSTRUCTION:**

1. Prior to construction the proposed sidewalks shall meet the City standard of 6' width.



**PRIOR TO ISSUANCE OF BUILDING PERMITS:**

1. Prior to building permit issuance, construction plans shall be prepared and approved by the City of La Pine, and the developer shall provide the City with a performance guarantee of 120% of the value of public improvements included in the project.
2. Prior to building permit issuance, stormwater calculations indicating compliance with the Central Oregon Stormwater Manual shall be provided to the City. Stormwater calculations may be depicted on the construction drawings.
3. Prior to building permit issuance, a calculation of septic tank sizing shall be provided, and the sizes of each septic tank on the site shall be shown on the construction plans.
4. The Applicant shall locate septic tanks outside of driveway areas. If necessary to locate within driveway, tanks must be traffic rated.
5. The Public Works Manager found that there are long sewer laterals through common areas. The Applicant shall avoid that scenario moving forward and possibly utilize existing sewer main on Anchor Way.
6. Prior to building permit issuance, a water demand calculation per the Oregon plumbing code shall be provided to determine the size of the water service line and water meter necessary for the project.
7. The Public Works Manager stated that there are no 90 degree fittings allowed on water main and hot taps will need to exist at both tie in points on Anchor way water mainline.
8. Lots shall comply with coverage and setback requirements (or applicant shall receive approved variances for such).
9. All lots shall be served by sewer and water service and streets shall be constructed/improved as required by this decision and approval of construction plans by the City Engineer.

**PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:**

1. Driveway aprons shall be installed prior to occupancy of any building on any lot.

Account	MapTaxlot	Owner	Agent	InCareOf	Address
115008	221014CB00101	HENDERSON, D SCOTT			51395 ANCHOR WAY
265276	221014CB00701	JEAN SPETTER REVOCABLE LIVING TRUST	SUTTON, JEAN SPETTER TTEE		PO BOX 589
115017	221014CB01000	LINGLE, KAREN RENEE & TERRY MICHAEL			51372 PREBLE WAY
152169	221014CA00400	PEASLEY, BRUCE & SHARIE			PO BOX 1901
114989	221014CA00501	WILT, STEVEN A & TRACI A			30205 SMITH LOOP
114990	221014CA00500	HERBERT TRUST	HERBERT, GREG L & TERRI L TTEES		2005 LAW LN
115018	221014CB00900	CARVER DEVELOPMENT LLC			92462 HINTON RD
115006	221014CB00200	WICKIUP JUNCTION LLC			19367 BLUE LAKE LOOP
115031	221014CB01500	NEWBERRY MANUFACTURED HOME PARK			PO BOX 192
115003	221014CA01300	JOHN FLETCHER SUPPLEMENTAL NEEDS TRUST	FLETCHER, WILLIAM L TTEE		PO BOX 7299
152195	221014CB01800	NEWTON, JAMES L ETAL			PO BOX 192
152183	221014CA02100	OR CONFERENCE ADVENTIST CHURCHES		ATTN: LAPINE SDA CHURCH	19800 OATFIELD RD
115044	221014CB02300	COLLINS, RICHARD LEE & MARY ELEANOR			PO BOX 1111
254413	221014CB02402	FINLEY BUTTE RESIDE LLC			250 NW FRANKLIN AVE #STE 204

CityStZip
LA PINE, OR 97739
LA PINE, OR 97739
LA PINE, OR 97739
SISTERS, OR 97759
CORVALLIS, OR 97333
EUGENE, OR 97401
MAUPIN, OR 97037
BEND, OR 97702
LA PINE, OR 97739
INCLINE VILLAGE, NV 89450
LA PINE, OR 97739
GLADSTONE, OR 97027
LA PINE, OR 97739
BEND, OR 97703



**From:** [Jacob Obrist](#)  
**To:** [Alexa Repko](#); [Erik Huffman](#)  
**Subject:** Trailhead at Anchor Way-Public Works Comments  
**Date:** Thursday, July 7, 2022 12:19:06 PM  
**Attachments:** [image001.png](#)

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Alexa and Erik,

Below is a list of my review comments:

- All construction must meet City of La Pine Public Works Design Standards
- C-3.0- Diagram #2 does not meet local street cross section requirements, Option #1 meets the standard
- C-3.0- Diagram #4 does not meet standard for sidewalk width. 6' is minimum standard
- C-3.1-Locate septic tank outside of driveway areas. If necessary to locate within driveway, tanks must be traffic rated
- C-3.1- 19, 20 ,21 has long sewer laterals through common areas. These should avoid that scenario and possibly utilize existing sewer main on Anchor Way.
- C-3.1- no 90 degree fittings allowed on water main
- C-3.1-hot taps will need to exist at both tie in points on Anchor way water mainline

Best,



**Jake Obrist**  
*Public Works Manager*  
City Hall: 541-536-1432  
Cell Phone: 541-419-5625  
16345 Sixth St. La Pine, OR 97739  
[www.ci.la-pine.or.us](http://www.ci.la-pine.or.us)

## Trailhead at Anchor Way

### E. Huffman comments 7-13-2022

All construction must meet City of La Pine Public Works Design Standards

Prior to land use approval, the following requirements shall be incorporated into the submitted plans:

- C-3.0- Diagram #2 does not meet local street cross section requirements, Option #1 meets the standard
- C-3.0- Diagram #4 does not meet standard for sidewalk width. 6' is minimum standard
- C-3.1-Locate septic tank outside of driveway areas. If necessary to locate within driveway, tanks must be traffic rated
- C-3.1- 19, 20, 21 has long sewer laterals through common areas. These should avoid that scenario and possibly utilize existing sewer main on Anchor Way.
- C-3.1- no 90 degree fittings allowed on water main
- C-3.1-hot taps will need to exist at both tie in points on Anchor way water mainline

Prior to building permit issuance, stormwater calculations indicating compliance with the Central Oregon Stormwater Manual shall be provided to the City. Stormwater calculations may be depicted on the construction drawings.

Prior to building permit issuance, a water demand calculation per the Oregon plumbing code shall be provided to determine the size of the water service line and water meter necessary for the project.

Prior to building permit issuance, a calculation of septic tank sizing shall be provided, and the sizes of each septic tank on the site shall be shown on the construction plans.

Prior to building permit issuance, construction plans shall be prepared and approved by the City of La Pine, and the developer shall provide the City with a performance guarantee of 120% of the value of public improvements included in the project.



## PLANNING COMMISSION MEETING AND PUBLIC HEARING SCRIPT

### Wednesday August 17 – 5:30 p.m. (or any time thereafter)

La Pine City Hall

16345 6<sup>th</sup> Street, La Pine OR, 97739

#### I. CALL TO ORDER

Commission Chair should call the meeting to order:

*I now call this public hearing of the La Pine Planning Commission to order at XX:XX p.m., August 17, 2022.*

#### II. PUBLIC HEARING OF AN APPLICATION FOR 02ZC-22 The chair should start by opening the public hearing and saying following:

*“This is a quasi-judicial of the public hearing of the La Pine Planning Commission to consider an application for a **Zone Change** in the **Industrial** Zone within the City of La Pine. The decision that will be made here tonight is going to be whether or not the Planning Commission should approve the requested **Zone Change** from current zoning designation of Industrial, to Commercial Mixed Use.*

*“A copy of the staff report describing the proposed use has been available to the public since **August 10**, 2021, and City staff has been available for questions and comments regarding the proposed use since that time. Notice of the hearing tonight has been provided to the public through*

1. *Mailed notice of public hearing sent to neighbors within 100 feet on July 21, 2022; and*
2. *Mailed notice to affected agencies on July 21, 2022; and*
3. *Submitted Form 1 to Oregon DLCDC 35 days prior to the first evidentiary hearing; and*
4. *Electronic posting on the City’s website on July 21, 2022; and*
5. *Notice posted on the project site at least 14 days in advance of this hearing; and*
6. *Notice posted in a local newspaper of general circulation (wise buys) at least ten days in advance of this hearing.*

*“This hearing is an opportunity for the public to comment on the proposed use. I would like to ask those present if there is any objection to the jurisdiction of this commission or any of its members? This question is specific to the authority of the La Pine City Planning Commission in approving or denying a request for a **Zone Change** within the City of La Pine.”*

**Wait to see if there is a response. If there is, advise the person making the response that they have to address the question that was just asked. If they get off topic, reiterate that the only question requiring response is in regard to the jurisdiction of the Planning**



**Commission and its authority for this hearing, then ask the initial question again. There can't be any confusion about what the issue is, so just make sure that any public present understands what you're asking. If someone raises a point, staff will try and address it. The rest of these notes assume that there isn't a legitimate objection to the jurisdiction of the commission.**

*"Hearing no objections to the jurisdiction of this commission, I would like to ask if any member of this commission has any conflict of interest or bias regarding the matter before the commission tonight."*

**There shouldn't be any issue, but if you have any questions about what you think is a conflict of interest or a bias, now is the time to ask staff. If any member of the commission has talked to the applicant or a member of the public about the application, you should mention that and summarize the conversation. You don't need to recuse yourself for conversations about the application, but you should mention them before proceeding. Depending on what is stated, we'll proceed with the public hearing. I don't think there will be any issues, so the next statements are based on the assumption that the commission will be able to make a decision tonight.**

*"At this time, I'll have the City Planner, summarize the Planner's staff report*

**The City Planner will go through the report, note the effect of the requested use, and make any other comments on the application relevant to the commission's decision tonight. If there are any questions, please ask so we can get them out of the way during the hearing. I will also relay any correspondence, or written testimony received. Once we are done the Chair should ask if there are any other questions of the commission before proceeding.**

*"At this time, I'll have the City Planner relay any correspondence and written testimony or inquiry received to date since the notice of the public hearing beginning on July 21, 2022.*

**I will relay any correspondence, or written testimony received. Once we're done the Chair should ask if there are any other questions of the commission before proceeding.**

*"The decision that will be made tonight is whether or not the Planning Commission will approve of the requested use. The decision to approve or deny the use will be adopted through a final order that staff will prepare after the meeting tonight (If there is no continuance requested by a party to the hearing or the Planning Commission itself). Any appeal to the decision made here tonight must be submitted to the City Recorder or Manager within ten days of the date that the final order is signed. Once staff has prepared the final order and I have signed it, the applicant will be notified along with anyone else that requests or is required to be notified. Notification will be provided within five days of the date that the order is signed. Are there any questions about this process?"*

**You may get a few questions at this point. You can let the City Planner and I answer any of these questions.**

**APPLICANTS TESTIMONY** – *“The Planning Commission now calls for the applicant to present any testimony regarding their application.”*

**This is an opportunity for the applicant or their representative(s) to present any information/testimony regarding the application as submitted.**

**PUBLIC COMMENT** - *“The Planning Commission will now call for public testimony. The City Administration also called for participants to submit written testimony in the public notice as posted on July 21, 2022, and through the subsequent, and code and state law/rule compliant, electronic and published postings, if they could not participate this evening. First, we will hear from Proponents, then Opponents, then people neither in support nor in opposition to the application.*

*If there are any comments on the proposed use, please keep those comments brief and to the point. If there is an objection to a proposed use, **the objection needs to address relevant facts or information from the City’s municipal code, the City’s comprehensive plan, the Planner’s staff report or relevant State law.** Any material produced in relation to, support or opposition of, the proposed use must be submitted to the Recorder or Manager to be included in the record. **Failure to address a pertinent criterion at this hearing will preclude an appeal based on that criterion.** Any party may request that the record for this hearing be held open for at least seven days; however, this request must be made prior to the close of this hearing and is subject to the requirements of ORS 227.178 which requires the governing body of a city or its designee to take final action on an application for a permit, including resolution of all appeals within 120 days after the application is deemed complete. The city received the application on June 1, 2022 and deemed it complete on June 1, 2022.*

*Comments are limited to three minutes. Persons wishing to speak must first be recognized by the chair and must state their name and address. If you are representing another person or entity, please state who that is and what your connection to that person or entity is.*

*I will be calling for public comment in following fashion:*

- 1. Proponents or supporters of the application*
- 2. Opponents or those who do not support the application*
- 3. Neutral parties neither in support nor opposition of the application”*

**I’ll hand the sign-in sheet (if we are conducting an in-person meeting or will recognize participants that elect to be recognized by virtual means) to the chair and he/she can start going through the names. I will keep a list as well to ensure that we follow the order of testimony correctly You’ll want to take proponents comments first, opponents second and neutral testimony last,**

**The applicant gets three minutes to respond to each opponent. If the applicant gives new information during their rebuttal, the opponent that they addressed gets an additional three minutes to respond. Once someone starts talking, you’ll want to make sure they**

**don't get interrupted. If a person has a specific objection to the proposed use, they need to make that objection at this time.**

*"I will take any Proponents' testimony first."*

**Please re-indicate that it is important for those wishing to speak, to only identify themselves if they are proponents at this time.**

*"I will now take any Opponents testimony. Please keep in mind that the applicant gets three minutes to respond to each opponent. If the applicant gives any new information during their rebuttal, the opponent in turn gets an additional three minutes to respond."*

**Let anyone who has been identified by the meeting administrator in opposition to the application make public comment at this time. Please follow the standards as described above in the proponent's category.**

*"I will now take any Neutral testimony."*

**Let anyone who has been identified by the meeting administrator as neutral to the application make public comment at this time. Please follow the standards as described above in the proponent's category.**

*"Are there any questions from the commission about comments received at this time?"*

**This gives the commissioners a chance to clarify anything they have heard. Since we are still in the public hearing, I would suggest that the commission stay on topic with what has been said during the public comment, this is not a time for commission deliberations on the merits of the application.**

*"Is there a request to keep the record open?"*

**If such a request is made, the commission needs to leave the record open for at least seven days. If this happens, the chair should set a date to reconvene, and the hearing will be concluded at that time. There are no special noticing requirements for reconvening.**

**If Necessary** *"This public hearing of the planning commission will re-convene on XXXX,XX, 2022, at 5:30 p.m., here in Council Chambers and electronically as necessary. Electronic attendance can be accessed via zoom and the meeting identification will be published prior to the meeting on the City's website."*

**Make sure no deliberation or decisions by the Commission are made while in the public hearing. This needs to take place during the regular session of the Planning Commission, under New Business, once the regular meeting is reconvened.**

**Once this is done the commission chair can close the public hearing. Please state the time for the record.**

*"I now close this public hearing at XX: XX p.m. and will open the regular meeting of the La Pine Planning Commission at XX:XX p.m."*

**Enter into new business in the regular meeting as indicated on the agenda.**





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

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## Zone Change/Comp Plan Amendment Application

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Zoning Map Amendment Fee \$6,000.00

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

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Applicant Name North Pine Village LLC Phone 541-944-8600 Fax \_\_\_\_\_  
Address 2015 NW 39th Street City Lincoln City State OR Zip Code 97367  
Email paul.b@halliedevelopment.com  
Property Owner North Pine Village LLC Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Address PO Box 449 City Lincoln City State OR Zip Code 97367  
Email (optional) \_\_\_\_\_

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### ZONE CHANGE/ COMP PLAN DESCRIPTION

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Property Location (address, intersection of cross street, general area)

17150 Rosland Road

Parcel 2 per City of La Pine Partition 04PA-20

Assessors Parcel Number T-15, R-13, Section 36 Tax Lot(s) 2110360000100



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

Present Zoning Industrial Total Land Area 869,529 (Square Ft.) 19.96 (acres)

Present Land Use Vacant

Proposed Zoning CMX Total Land Area 869,529 (Square Ft.) 19.96 (acres)

Attach a statement explaining evidence you plan to present to the Planning Commission to enable them to make a decision (See Attached). Applications will not be accepted without a detailed preliminary site plan drawn to scale. I understand that false statements made on this application may cause subsequent approval to be NULL AND VOID.

**FOR OFFICE USE ONLY**

Received By: \_\_\_\_\_

Amendment Fee Paid: \_\_\_\_\_

Receipt #: \_\_\_\_\_

**AMENDMENTS**

Authorization to Initiate Amendments. An amendment to the text of these standards, or to a zoning or plan map may be initiated by either City Council or the Planning Commission. A property owner may initiate a request for a map or text amendment by filing an application with the City using the form(s) prescribed.

Zone/Plan Map Amendments. The City shall, within 45 days after filing of a petition by a property owner for a zone change/plan amendment hold a public hearing in accordance with the



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provisions of the procedures. Prior to the hearing the City shall refer the proposed amendment to the Planning Commission for their review and a recommendation; the recommendation of the Commission shall be made a part of the record at the hearing.

Justifying the zone change or plan amendment. The burden of proof is upon the applicant to show how the proposed zone change or plan amendment is:

- (1) In conformity with all applicable State statutes
- (2) In conformity with the State-wide planning goals where applicable
- (3) In conformity with the Comprehensive Plan, land use requirements and policies;
- (4) Needed due to a change of circumstances or a mistake in the original zoning .

Tentative Approval. Based on the facts presented at the hearing and the recommendation of the Planning Commission, if the City determines that the applicant has met all applicable criteria for the proposed change, the City shall give tentative approval of the proposed change. Such approval shall include any conditions, stipulations or limitations which the City determines to be necessary to meet the criteria. An appeal of the City's decision shall be effected in the manner provided for in the standards. Upon completion of hearings process, the council shall, by order, effect the zone reclassification of the property. Provided, however, if the applicant fails to abide by the conditions attached to the rezoning the Council may, at a later date, rezone the affected property to its original zoning by order.

Public Hearing on Amendments. If a map change is initiated by the Planning Commission or City Council, or if an amendment to the text of these standards is to be considered, the City Council shall hold a public hearing on the proposed change. Notice of the hearing shall be






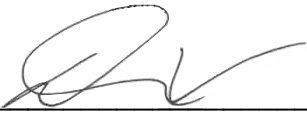
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published in a newspaper of general circulation in the City the week prior to the hearing. Before establishing a map change, the Council shall make findings that the proposed change meets the criteria set forth in code. Any change affected under this section shall be by ordinance.

By signing, the undersigned certifies that he/she has read and understood the requirements outlined above, and that he/she understands that omission of any listed item may cause delay in processing this application.

I (We) the undersigned acknowledge that the information supplied in this application is complete and accurate to the best of my (our) knowledge.

Applicant:  Date: 6/1/22  
 Signature

Owner/Agent:  Date: 6/1/22  
 (Circle One) Signature

If you are the authorized agent, please attach the letter of authorization signed by the owner.

NOTE: This may not be a complete list of information required to process and decide this request, and additional information may be required after further



**BECON, LLC**

Civil Engineering and Land Surveying

549 SW Mill View Way, Suite 100 • Bend OR, 97702 • 541.633.3140

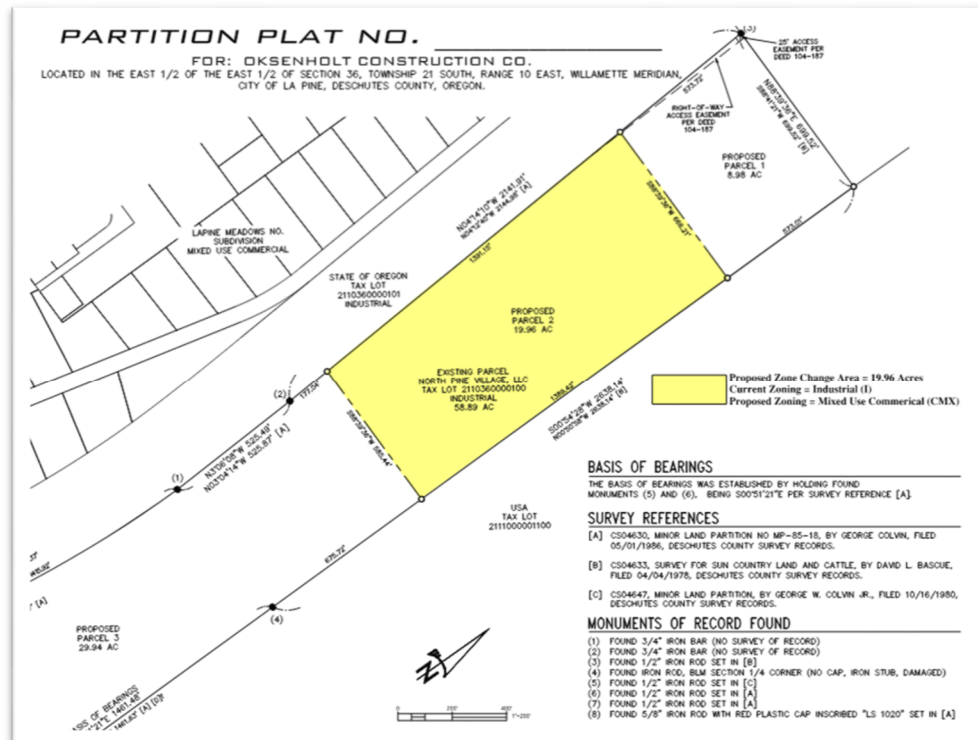
## Comprehensive Plan Amendment and Zone Change Narrative North Pine Village LLC

**APPLICANTS:** North Pine Village LLC  
PO Box 449  
Lincoln City, OR 97367

**OWNER:** North Pine Village LLC  
PO Box 449  
Lincoln City, OR 97367

**LOCATION:** Property address: 17150 Rosland Road  
Tax lot 100 on the Deschutes County Tax Assessor's Map 21-10-36AC  
The property is located east of Highway 97, North of Rosland Road.  
Parcel 2 per City of La Pine partition file number 04PA-20.

**REQUEST:** Comprehensive Plan Amendment to change the designation of 19.96 acres of land from Industrial (I) to Mixed Use Commercial (CMX) and Zone Change to change the zone from Industrial (I) to Mixed Use Commercial (CMX) on the Zoning Map.



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

### *City of La Pine Comprehensive Plan*

- Chapters 1-12

### *La Pine Development Code*

- Chapters 15.334 – Text and Map Amendments

### *Oregon Revised Statutes*

- ORS 197.610, Local Government Notice of Amendment or New Regulation
- ORS 197.250, Compliance with Goals Required
- ORS 197.763, Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements

### *Oregon Administrative Rules (OAR)*

- 660-012 Transportation Planning Rule
- 660-015 Oregon Statewide Planning Rule

## **II. FINDINGS OF FACT:**

**LOCATION:** The property is located east of Highway 97, North of Rosland Road. The property address is 17150 Rosland Road; it is identified as Tax lot 100 on the Deschutes County Tax Assessor's Map 21-10-36AC. The zone change request is for Parcel 2 per City of La Pine partition file number 04PA-20.

**ZONING:** The current Zone and Comprehensive Plan designation of the subject property is Industrial (I).

**SITE DESCRIPTION & SURROUNDING USES:** The subject property of this proposed comprehensive plan amendment and zone change is located east of Highway 97 along the northwestern edge of the City's boundaries. The property is currently vacant. The property adjacent to the west is currently vacant and also zoned Industrial. All other properties to the west between the subject property and Highway 97 are zoned Mixed Use Commercial. Properties to the east and north are vacant and outside of city limits. To the south, across Rosland Road and adjacent to the subject property, properties are zoned Industrial. Uses of the nearest developed area to the west of the subject property include Dairy Queen, a bowling alley, a gas station, a hotel, Les Schwab Tire Center, storage facilities, and an RV Park. The subject property is not within a FEMA-mapped 100-year floodplain.

**PUBLIC NOTICE AND COMMENTS:** Neither Public Notice nor notice to the City's agency list has been sent at this time.



### **III. APPLICATION OF THE CRITERIA:**

#### **CONFORMANCE WITH THE LA PINE DEVELOPMENT CODE**

##### **Chapter 15.202 - Summary of Application Procedures**

##### **15.202.010 Purpose and Applicability**

- 3. Type III Procedure (Quasi-Judicial Review – Public Hearing). Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council except for decisions on all quasi-judicial Comprehensive Plan amendments and Zone changes which must be adopted by the City Council before becoming effective. Quasi-Judicial decisions involve discretion but implement established policy. They involve the application of existing law or policy to a specific factual situation.**

**FINDING:** This application is for a comprehensive plan map amendment and zone change for an individual property. As such, it is reviewed as Quasi-Judicial, but must be adopted by City Council before becoming effective.

##### **15.202.50 Neighborhood Contact**

- 1. Purpose and Applicability. Unless waived by the City Planning Official, applicants for master plans, subdivisions with more than 10 lots, major variances and property owner- initiated for zone changes are required to contact neighboring property owners and offer to a hold meeting with them prior to submitting an application. This is to ensure that affected property owners are given an opportunity to preview a proposal and offer input to the applicant before a plan is formally submitted to the City, thereby raising any concerns about the project and the project's compatibility with surrounding uses early in the design process when changes can be made relatively inexpensively.**

##### **15.204.030 Type III Procedure (Quasi-Judicial Review – Public Hearing)**

**Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council. Except that prior to becoming effective, all quasi- judicial Comprehensive Plan amendments and Zone changes shall be adopted by the City Council. In considering all quasi-judicial Comprehensive Plan amendments and Zone changes on which the Planning Commission has authority to make a decision, the City Council shall, in the absence of an appeal or review initiated by the Council, adopt the Planning Commission decision. No argument or further testimony will be taken by the Council.**

**FINDING:** A Quasi-Judicial Review process is being followed for this application.

##### **B. Mailed and Posted Notice of a Public Hearing.**

- 1. The City shall mail public notice of a public hearing on a Quasi-Judicial application at least 20 days before the hearing date to the individuals and organizations listed below. The City Planning Official shall prepare an affidavit of notice, which shall be made a part of the file. The affidavit shall state the date that the notice was mailed. 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. Notice shall be mailed to:**

- 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 tenants of a mobile home park when the application is for the rezoning of any part or all of a mobile home park;
- e. The Planning Commission;
- f. Any neighborhood or community organization formally recognized by the City Council, whose boundaries include the site; 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 Code.

2. In general circulation in the County at least 10 days prior to the hearing addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the County at least 10 days prior to the hearing.
3. At least 14 days before the first hearing, the City shall post notice of the hearing on the project site in clear view from a public right-of-way.
4. Notice of a Quasi-Judicial hearing to be mailed and published per subsection 1 above shall contain all of the following information:
  - a. A summary of the proposal and the relevant approval criteria, in sufficient detail to help the public identify and locate applicable code requirements;
  - b. The date, time, and location of the scheduled hearing;
  - c. The street address or other clear reference to the location of the proposed use or development;
  - d. A disclosure statement 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 City Council, Land Use Board of Appeals, or Circuit Court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
  - e. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards shall be available for review at the office of the City Planning Official, and that copies shall be provided at a reasonable cost;
  - f. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
  - g. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
  - h. A statement that after the public hearing 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:** Type III procedures are being followed.

**Chapter 15.334 - Text and Map Amendments**  
**15.334.20 Applicability**

- A. Legislative amendments generally involve broad public policy decisions that apply to other than

an individual property owner. These include, without limitation, amendments to the text of the comprehensive plans, development code, or changes in zoning maps not directed at a small number of property owners. The following amendments are considered generally considered legislative.

1. All text amendments to Development Code or Comprehensive Plan (except for corrections).
2. Amendments to the Comprehensive Plan Map and/or Zoning Map that affect more than a limited group of property owners.

- B. Amendments to the Comprehensive Plan and/or Zoning Map (Zone Change) that do not meet the criteria under subsection A may be processed as Quasi-Judicial amendments. However, the distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.**
- C. Requests for Text and Map amendments may be initiated by an applicant, the Planning Commission, or the City Council. The City Planning Official may request the Planning Commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.**

**FINDING:** This proposed Comprehensive Plan Map amendment and Zone Change apply to a single property owner. The property owner initiated the proposed amendments. As the proposed amendments do not generally involve broad public policy and the amendments do not apply to more than the subject property, the proposals are being processed as Quasi-judicial amendments.

#### **15.334.030 Procedure Type**

- B. Quasi-judicial amendments are subject to Type III review in accordance with the procedures in Article 7 except that quasi-judicial Comprehensive Plan amendments and Zone changes which must be adopted by the City Council before becoming effective.**

**FINDING:** This application is being processed as a Quasi-judicial amendment, through a Type III review process in accordance with the procedures in Article 7. As the application is for both a Comprehensive Plan Map amendment and a Zone change, if recommended for approval by the Planning Commission, both applications will be considered by the City Council for adoption before becoming effective.

#### **15.334.40 Approval Criteria**

**Planning Commission review and recommendation, and City Council approval, of an ordinance amending the Zoning Map, Development Code, or Comprehensive Plan shall be based on all of the following criteria:**

- A. The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with proposed changes in zoning). If the proposal involves an amendment to the Comprehensive Plan, the amendment must be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules; and**

**FINDING:** The Applicant is proposing a Comprehensive Plan Map amendment, concurrently with the proposed Zone Change. Compliance with the Statewide Planning Goals and relevant Oregon Administrative rules is demonstrated below.

- B. The proposal must be found to:**
1. Be in the public interest with regard to community conditions; or
  2. Respond to changes in the community, or
  3. Correct a mistake or inconsistency in the subject plan or code; and



**FINDING:** The Applicant notes that it is their intent to develop the property with residential and commercial uses. Although the intended use of the subject property is not guaranteed through this proposed Comp Plan Map amendment and zone change, the Applicant asserts that the proposed amendment and zone change could facilitate the development of the subject property for a commercial use encouraged by the Comprehensive Plan. Further, the Applicant notes that the property is currently vacant, noting that it is in an area of substantial commercial uses and that a commercial use may be more desirable for this property abutting other commercial uses.

**C. The amendment must conform to Section 15.344.050, Transportation Planning Rule Compliance; and**

**FINDING:** Transportation Planning Rule compliance is demonstrated below.

**D. For a Quasi-Judicial Zone Change the applicant must also provide evidence substantiating that the following criteria are met:**

**1. Approval of the request is consistent with applicable Statewide Planning Goals; FINDING:**

The Applicant notes, that the applicable Statewide Planning Goals are Goals 9, 11, and 12. Compliance with Goal 12 is addressed below, as required by 15.334.50 and the Transportation Planning Rule OAR 660-012-0060. Compliance with Goal 11 is assured by compliance with the City Comprehensive Plan policies that implement Goal 11, discussed below. Compliance with Goal 9 is assured by compliance with OAR 660, Division 9, Economic Development. The Applicant notes, that the relevant part of the division is found in OAR 660-009-0010 (4):

**(4) For a post-acknowledgement plan amendment under OAR Chapter 660, Division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements; and:**

**(a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or**

**(b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or**

**FINDING:** The City's most recent economic opportunities analysis is contained in the City's acknowledged comprehensive plan. The proposed amendment is consistent with this acknowledged comprehensive plan, as detailed below.

**2. Approval of the request is consistent with the relevant policies of the Comprehensive Plan;**

**FINDING:** The subject property is designated Industrial land by the City's Comprehensive Plan. This application proposes to change this designation to Mixed Use Commercial, on a property that adjoins industrial lands. As such, plan policies related to agriculture (Goal 3), forest (Goal 4), and recreational land (Goal 8) do not apply. In addition, the policies of Chapter 5 (Natural Resources and Environment) also do not apply, as the subject property does not contain any plan-identified Goal 5 resources. Goal 6 is not applicable because the proposed Comprehensive Plan Map

Amendment and Zone Change only amends a map; it does not include development and will not have any impacts on air, water or land resources. Through future development applications, the Applicant will be required to demonstrate that sewage treatment, water service, and storm water management will be supplied in accordance with the adopted design standards, thus maintaining water and land resource quality on and around the property. Additionally, there are no streams or other water resources in the vicinity that would be adversely affected future development.

Policies of Chapter 7, 8, 9, and 10 are addressed below:

### **Chapter 7. Public Facilities and Services**

This chapter is intended to carry out Statewide Planning Goal 11. Given the current population of 2,547 (PSU 2020 Population Estimate), Goal 11 does apply to the City of La Pine. Nonetheless, the Comprehensive Plan includes a comprehensive review of service providers, development reviewing entities, health providers, recreation providers, street details, water and sewer elements, school, library, solid waste, storm water, power, gas, communication and broadcasting providers. This Chapter includes goals and policies directed at coordination, provider details, expansion needs, development restrictions, along with conservation practices. Some of the policies of this chapter are directed at development and are implemented through the Zoning Ordinance standards.

#### **City Goal #1 Policies**

- **Plans providing for public facilities and services should be coordinated with plans for designation of urban boundaries, land use zoning designation, surrounding urbanizable land and rural uses, and for the transition of rural land to urban uses.**

**FINDING:** The City's comprehensive plan has developed a plan for providing public facilities and services. Some public facilities are provided to the subject area of the property and are addressed below:

Water/Sewer: Neither city water and sewer services are available at the property. Both water and sewer services are proposed to be extended from nearby existing lines to service the subject property. The proposed sewer main will gravity flow to a new regional pump station and will connect to the existing City system via a proposed force sewer main in Rosland Road.

The proposed water mains will connect to the existing system at two locations in Drafter road and in Rosland Road, creating a looped system.

The Applicant shall submit water and sewer needs and capacity analyses at the time of site plan application, prior to any development.

Transportation: Rosland Road serves the subject property for access. The Applicant submitted a traffic memo, which outlined the impacts of the proposed comp plan amendment/zone change. The traffic scoping memo shows that a rezone from Industrial to CMX would have little effect on overall traffic volumes, with an increase of only 10 PM peak hour trips.

Police/Fire: Police services are provided by the Deschutes County Sheriff Department and Fire Response is provided by the City's Fire Department.

### **Chapter 8. Transportation**

This chapter is intended to carry out Statewide Planning Goal 12. This chapter provides details of the transportation elements of La Pine, including roads, bicycle ways, pedestrian routes, and public transit. Furthermore, this chapter addresses long range planning needs, air and rail, pipelines, and funding.

The majority of the policies of this section have been incorporated into the Zoning Ordinance and implementing regulations, which will be imposed upon future site development. Further, the City assures compliance with Statewide Planning Goal 12 by addressing OAR 660-012- 0060, which is discussed in this staff report.

The Applicant notes:

The subject property abuts Rosland Road, an east-west local street. It is near Highway 97, a north-south highway and principal arterial roadway. The current proposal includes a Comprehensive Plan Map Amendment and Zone Change only and does not include development. Full frontage improvements and compliance with the City's TSP will be required at time of site plan application, prior to development, through the applicable implementing regulations.

### **Chapter 9. Economy**

This Chapter is intended to carry out Statewide Planning Goal 9, Economic Development. This Chapter includes an analysis of the La Pine economy. Noting that "La Pine's focus on economic development is a key component of its vision to be a "complete" community...the concept of creating a complete community begins with providing enough jobs, education, services, and industry to sustain the community without heavy reliance upon other nearby cities such as Bend and Redmond." (La Pine Comprehensive Plan Page 87). Chapter 9 contains the City's Economic Opportunities Analysis/Buildable Lands Analysis. The purpose of the analysis is to "plan for and provide adequate opportunities for a variety of economic activities vital to the health, welfare, and prosperity of its citizens."

The Applicant notes:

The comprehensive plan (p. 94-95) expects that the rezoning of certain economic lands parcels will be necessary to provide enough land in sizes needed to create commercial centers, rather than a continuation of additional shallow-depth strip commercial. The plan finds this type of development will provide a better balance of commercial development and reduce unnecessary trips. The subject property is ideally positioned to create a medium sized commercial center, adjoining the highway strip of commercial properties along Highway 97. Rezoning the property will widen the strip so that it functions as a commercial center attracting new and variable commercial interest to the area.

The comprehensive plan recognizes that the recreational nature of the La Pine area will continue to create a demand for hospitality services and that retail services are needed by the community. The proposed rezoning will allow the city to provide additional hospitality services or retail services.

### **Policies**

- **Updates to inventories and analysis of needed industrial and commercial land types, existing land supplies, and economic development strategies for meeting the requirements of the community are essential. It is necessary to provide adequate buildable industrial and commercial land for the 20 years planning horizon.**

**FINDING:** This policy recommends updating the economic land inventories as needed, with a focus on maintaining an adequate supply of buildable industrial and commercial land during the 20-year planning horizon.

- **Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property;**



**FINDING:** Public facilities serving the subject property include transportation, police and fire response.

- **Preservation of large industrial parcels over 30 acres in size will attract target industries and new manufacturing businesses.**

**FINDING:** There is currently an overabundance of industrial zoned land within the City of La Pine. The land is also adjacent to a future highway that may be constructed, making it optimal for a mix of commercial and residential development. The majority (29.94 acres) of the parent parcel is proposed to remain zoned Industrial and used for industrial development.

Water/Sewer: Neither city water and sewer services are available to the property. Both water and sewer services will need to be extended from nearby existing lines to service the subject property. Applicant shall submit water and sewer needs and capacity analyses at the time of site plan application, prior to any development.

Transportation: Rosland Road serves the subject property for access. The Applicant submitted a traffic memo, which outlined the impacts of the proposed comp plan amendment/zone change. The traffic memo noted that the zone change from industrial to mixed use commercial would result in a decrease in weekday PM Peak Hour trips by 23.

The traffic memo notes: *“The critical intersections within the area are the US 97/Rosland Road intersection and the US 97/Burgess intersection. At US 97/Rosland Road the volumes reduce the outbound movements that are stop-sign controlled, which will reduce intersection delays. At the US 97/Burgess Road intersection the rezone adds to the critical eastbound left-turn maneuver, but also reduces the southbound highway volumes that conflict with this maneuver.”*

Police/Fire: Police services are provided by the Deschutes County Sheriff Department and Fire Response is provided by the City’s Fire Department.

## **Chapter 10. Housing**

This chapter is intended to carry out Statewide Planning Goal 10, Housing. This chapter includes an analysis of the La Pine housing distribution, noting that “to ensure the provision of appropriate types and amounts of land within the La Pine urban growth boundary... to support a range of housing types necessary to meet current and future needs. These lands should support suitable housing for all income levels for maximum sustainability.” (La Pine Comprehensive Plan Page 119). Chapter 10 includes an inventory of buildable land within the urban growth boundary and an analysis of how this land is best utilized to support the communities’ residential needs.

The Applicant notes:

The City of La Pines Comprehensive Plan (p. 129) states, “La Pine does not currently have enough housing choices for people to choose from. The Plan must provide more housing opportunities to help correct this situation.” The subject property is of adequate size and location to provide housing types including multi-family dwellings to assist in the diversification of the community’s available housing while expanding current commercial space in the area creating a commercial center.

Stated in the La Pine Comprehensive Plan (p. 135) “This shortage of multi-family residential development is a result of past development patterns based on inexpensive land costs combined with the lack of a municipal sewer system thereby necessitating larger lots to accommodate on-site septic systems... Such areas should be located along primary transportation corridors and in areas where service commercial

and employment opportunities will be convenient to residents.” The subject property is large enough to provide the necessary area for septic systems needed for multi-family housing units and will include commercial opportunities satisfying both of these qualifications.

### **Policies**

- **It is necessary to provide adequate buildable residential land for the 20-year planning horizon. The La Pine community needs a full range of housing types to sustain a healthy community**

**FINDING:** According to the La Pine Comprehensive Plan, currently 3% of La Pine residential housing is multifamily (p. 135), while the intended percentage of multifamily housing is 40% (p. 134). The subject property provides a suitable area for developing multi-family housing. The proposed zone change will allow for mixed use commercial in this area allowing for an increase in multi-family housing opportunities, and diversifying the inventory of housing types.

- **Residential developments shall be located in close proximity to employment and shopping opportunities.**

**FINDING:** The subject property satisfies this policy as it both expands the current commercial area around Wickiup Junction development area and allows for an increase in residences that are in close proximity to the proposed and existing mixed use commercial zones.

### **15.334.50 Transportation Planning Rule Compliance**

**Proposals to amend the Comprehensive Plan or Zoning Map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule - TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.**

**FINDING:** The Applicant submitted a traffic memo, completed by Transight Consulting, to address Transportation Planning Rule compliance. The study evaluated a larger proposed rezone of 50 acres and, therefore, the results of this analysis are conservative for the proposed 19.96 acre rezone. The submitted traffic memo notes:

“...there are eleven criteria that apply to Plan and Land Use Regulation Amendments. Of these, Criteria #3 is applicable to the proposed land use action. This criterion is provided below in italics with responses shown in standard font.

*OAR 660-12-0060(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule.*

As described within Section (3):

*OAR 660-12-0060(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*

- (a) *In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*
- (b) *Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*

**Response:** With a proposed trip cap established based on the trip generation potential of the existing zoning the future allowed development will be less than or equivalent to the current zoning potential, and the impacts will avoid further system degradation.

*(c) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*

**Response:** The property is not within an interchange area. ODOT had planned to construct an overcrossing of the BNSF railroad with ramp connections to help address the identified capacity needs within this area. This project was fully funded. However, this project is now on indefinite hold following bridge abutment foundation settlement issues, and the Wickiup Junction plan was intended as a stopgap measure in the interim period. The Wickiup Junction plan does not propose grade separation.

*(d) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (c) of this section.*

**Response:** Following ODOT review it is requested that ODOT provide a written statement that the rezone with trip cap as a mitigation measure is sufficient to mitigate any potential impacts of the rezone.

The traffic memo notes that the “rezoning the 59-acre parcel from *Industrial* to *Commercial Mixed-Use* zoning along with a trip cap of 430 weekday p.m. peak hour trips does not create a significant impact per the Transportation Planning Rule. Additional site-specific analysis will be required as development plans are submitted.” Further, traffic memo notes, “by limiting the trip generation potential of the site with the rezone to *CMX* to its trip generation potential today within its *Industrial* zoning the impacts of the amendment mitigates any impacts to the system and avoids any further system degradation. Accordingly, the rezone directly complies with the Transportation Planning Rule’s requirements for a Plan and Land Use Regulation Amendments.”

## **CONFORMANCE WITH OREGON REVISED STATUTES**

Oregon Revised Statutes are the laws, enacted by the Oregon Legislature (or citizen initiative), that govern the State of Oregon. As they relate to Land Use proceedings, State Statutes (Oregon Revised Statutes - ORS) are carried out through rules (Oregon Administrative Rules –OAR) which are developed by the Department of Land Conservation and Development (DLCD). Local jurisdictions (including the City of La Pine) are required to develop a land use program based upon the adopted OARs. Local land use programs include the development and maintenance of a Comprehensive Plan, along with implementing ordinances, such as zoning ordinances, procedures, and land division ordinances. DLCD and the Land Conservation and Development Commission (LCDC) reviews all Comprehensive Plans and implementing ordinances,



and “acknowledges” those that are found be consistent with the OAR and Statewide Planning Goals. The City of La Pine has an “acknowledged” Comprehensive Plan, along with “acknowledged” implementing ordinances. The Comprehensive

Plan map amendment request has been reviewed for compliance with the acknowledged Comprehensive Plan and implementing ordinances, thus conformity with applicable state statutes is understood. The State Statutes that apply to this application include:

ORS 197.610, Local Government Notice of Amendment or New Regulation ORS  
197.250, Compliance with Goals Required  
ORS 197.763, Conduct of Local Quasi-Judicial Land Use Hearings; Notice Requirements.

The City of La Pine Development Code was developed to comply with the State Statutes listed above, regarding both noticing and public hearings (ORS 197.610 and 197.763). Notice of the proposed amendment was provided to DLCD on May 15, 2019 and required public notice of the public hearing was mailed to neighbors within 500’.

#### **IV. Summary and Conclusion:**

The Applicant has documented that the request to amend the Comprehensive Plan Designation of the property and to amend the Zoning Map to Mixed Use Commercial (CMX) complies with the applicable approval criteria, subject to a few conditions upon site plan application:

- Applicant shall be responsible for frontage improvements for compliance with the City’s TSP.
- Applicant shall submit sewer and water capacity, needs analyses for the proposed use, and shall be responsible for any required improvements to accommodate the needs.



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:  
North Pine Village LLC  
PO Box 449  
Lincoln City, OR 97367

Deschutes County Official Records **2020-51679**  
D-D  
Stn=7 PG **10/02/2020 09:07 AM**  
\$20.00 \$11.00 \$10.00 \$61.00 \$6.00 **\$108.00**

I, Nancy Blankenship, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
Nancy Blankenship - County Clerk

Until a change is requested all tax statements shall be sent to the following address:

North Pine Village LLC  
PO Box 449  
Lincoln City, OR 97367  
File No. 393165AM

**STATUTORY WARRANTY DEED**

**Linda Coulter, as Successor Trustee of the Verna M. Wodtli Revocable Trust U/T/A dated May 31, 2001,**

Grantor(s), hereby convey and warrant to

**North Pine Village LLC,**

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

**See Attached Exhibit 'A'**

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

**2110360000100**

The true and actual consideration for this conveyance is \$450,000.00.

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

*"2020-2021 Real Property Taxes, a lien not yet due and payable"*



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

Dated this 30<sup>th</sup> day of September, 2020.

Verna M. Wodtli Revocable Trust

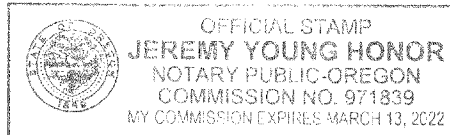
By: Linda Coulter Date: 2020  
Linda Coulter, Trustee

State of Oregon } ss  
County of LANE }

On this 30<sup>TH</sup> day of Sept, 2020, before me Jeremy Young Honor a Notary Public in and for said state, personally appeared Linda Coulter, Trustee, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.

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

[Signature]  
Notary Public for the State of Oregon  
Residing at: LANE, OR  
Commission Expires: 3-13-22





## EXHIBIT 'A'

File No. 393165AM

The East Half of the East Half (E1/2 E1/2) and that portion of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) lying Easterly of the Dalles-California Highway in Section 36, Township 21 South, Range 10 East of the Willamette Meridian, Deschutes County, Oregon.

EXCEPTING THEREFROM that portion thereof conveyed to the State of Oregon, by and through its State Highway commission by deed dated May 25, 1953, and recorded June 1, 1953, in Book 104, Page 187, Deschutes County Deed records.

ALSO EXCEPTING THEREFROM any portion thereof lying within the perimeter boundaries of Plat No. 508 Sundown Park filed April 19, 1979 and Plat No. 542 LaPine Meadows No. filed November 30, 1979.

ALSO EXCEPTING THEREFROM that portion thereof dedicated to the public as a public roadway by instrument executed by Randolph Toledano Kellems and Elliott S. Rosman, co-personal representatives of the Estate of Inez Toledano Kellems, etal, dated October 15, 1979, and recorded February 25, 1980, in Book 317, Page 266, Deschutes County Deed records, and described as follows:

Description for Rosland Road the center line of which is described as follows and being 60 feet in width:

Beginning at a point which is 900.43 feet South 88°44'11" West from the Southeast corner of Section 36, Township 21 South, Range 10 East of the Willamette Meridian, in Deschutes County, Oregon; thence along the arc of a 150.00 foot radius curve right (the chord of which bears North 07°34'43" West 181.50 feet) a distance of 194.94 feet; thence North 29°39'14" East 835.23 feet; thence along the arc of a 150.00 foot radius curve left (the chord of which bears North 21°20'16" West 233.12 feet) a distance of 266.99 feet; thence North 72°19'46" West 519.91 feet to the Easterly boundary of LaPine Meadows No. in said County and State.

Further excepting therefrom that portion thereof conveyed by Randolph Toledano Kellems and Elliotts S. Rosman, co-personal representatives of the Estate of Inez Toledano Kellems to Wayne Roan by deed dated September 17, 1980, and recorded October 30, 1980, in Book 331, Page 272 Deschutes County Deed records, described as follows:

A parcel of land located in the Southeast Quarter (SE1/4) of Section 36, Township 21 South, Range 10 East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at a point from whence the Southeast corner of said Section 36 bears South 00°51'21" East 296.85 feet; thence South 88°44'11" West 817.81 feet to a point on the Easterly right of way of the relocated Rosland Road; thence along said right of way

North 29°39'14" East 681.55 feet; thence along a 180.00 foot radius curve left, whose chord bears North 21°20'16" West 279.74 feet, a distance of 320.39 feet; thence North 72°19'46" West 9.37 feet to a point on a 4717.37 foot radius curve to the left:

thence leaving said right of way relocated Rosland Road along the arc of said 4717.37 foot radius curve to the left, whose chord bears North 17°08'24" East 29.12 feet, a distance of 29.12 feet; thence leaving said curve North 88°44'11" East 569.56 feet; thence South 00°51'21" East 878.15 feet to the point of beginning.

AND FURTHER EXCEPTING that parcel described in deed recorded in Book 45, Page 826, Deschutes County records, as follows:

A parcel of land located in the Southeast Quarter (SE1/4) of Section 36, Township 21 South, Range 10 East of the Willamette Meridian, Deschutes County, Oregon described as follows:

Beginning at a point which is the Southeast corner of said Section 36, thence along the East line of said Section 36, North 00°51'21" West 296.83 feet; thence South 88°44'11" West 817.81 feet to a point on the Easterly right of way of the relocated Rosland Road; thence along said right of way South 29°39'14" West 153.68 feet; thence along a 120.00 foot radius curve left, whose chord bears South 15°31'24" East 170.23 feet, a distance of 189.24 feet; thence leaving said relocated Rosland Road right of way North 88°44'11" East 852.73 feet along the South line of Section 36 to the point of beginning.

FURTHER EXCEPTING a parcel of land located in the Southeast Quarter (SE1/4) of Section 36, Township 21 South, Range 10, East of the Willamette Meridian, Deschutes County, Oregon, which is described as follows:

Commencing at the Southeast corner of said Section 36; thence South 88°44'11" West 939.10' to the true point of beginning; thence South 88°44'11" West 357.85'; thence North 00°55'51" West 143.35'; thence one a 4507.37' radius curve left 1138.20', the long chord of which bears North 25°17'51" East 1135.18'; thence South 72°19'46" East 219.39'; thence on a 120.00' radius curve right 213.59', the long chord of which bears South 21°20'16" East 186.49'; thence South 29°39'14" West 835.23'; thence on a 180.00' radius curve left 207.19' the long chord of which bears South 03°19'16" East 195.94' to the true point of beginning.



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

---

To: Hallie Development

Attn: Paul Burger

Your File No.:

Date: June 3, 2022

Order No. 546947AM

Reference: 17150 Rosland Road  
La Pine, OR 97739

We have enclosed our Preliminary Title Report pertaining to order number 546947AM.

***Thank you for the opportunity to serve you. Your business is appreciated!***

If you have any questions or need further assistance, please do not hesitate to contact your Title Officer listed below.

Sincerely,

***Emily Kennedy***

Emily.Kennedy@amerititle.com  
Title Officer

**NOTICE: Please be aware that, due to the conflict between federal and state laws concerning the legality of the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving land that is associated with these activities.**





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

---

June 3, 2022  
 File Number: 546947AM  
 Report No.: 1  
 Title Officer: Emily Kennedy

**PRELIMINARY TITLE REPORT**

**Property Address: 17150 Rosland Road, La Pine, OR 97739**

<b><u>Policy or Policies to be issued:</u></b>	<u>Liability</u>	<u>Premium</u>
OWNER'S STANDARD COVERAGE		\$0.00
Proposed Insured: <b>North Pine Village, LLC</b>		

We are prepared to issue ALTA (06/17/06) title insurance policy(ies) of , in the usual form insuring the title to the land described as follows:

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

and dated as of 20th day of May, 2022 at 7:30 a.m., title is vested in:

**North Pine Village LLC**

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

FEE SIMPLE

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

**GENERAL EXCEPTIONS:**

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

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

**SPECIAL EXCEPTIONS:**

**Tax Information:**

Taxes assessed under Code No. 1108 Account No. 141081 Map No. 2110360000100

NOTE: The 2021-2022 Taxes: \$2,202.98, are Paid (Includes \$129.22 for Fire Patrol)

6. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
7. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Pacific Telephone and Telegraph Company  
Recorded: September 10, 1928  
Instrument No.: [46-244](#)
8. Access Restrictions, including the terms and provisions thereof,  
Recorded: June 1, 1953  
Instrument No.: [104-187](#)
9. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:  
Granted To: Carl O. Roan  
Recorded: April 3, 1984  
Instrument No.: [50-361](#)

10. Release and Grant of Access, including the terms and provisions thereof,  
Recorded: December 14, 1983  
Instrument No.: [36-756](#)  
Between: State of Oregon, by and through its Department of Transportation  
And: Deschutes County

**INFORMATIONAL NOTES:**

- NOTE: We find the following deed affecting said Land recorded within 24 months of the date of this report:  
Document: Statutory Warranty Deed  
Grantor: Linda Coulter, as Successor Trustee of the Verna M. Wodtli Revocable Trust U/T/A dated May 31, 2001  
Grantee: North Pine Village LLC  
Recorded: October 2, 2020  
Instrument No.: [2020-51679](#)
- NOTE: As of the date hereof, there are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:  
Parties:  
North Pine Village, LLC
- NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.
- NOTE: Your application for title insurance was placed by reference to only a street address or tax identification number. Based on our records, we believe that the legal description in this report covers the parcel(s) of Land that you requested. If the legal description is incorrect, the parties to the transaction must notify the Company and/or the settlement company in order to prevent errors and to be certain that the correct parcel(s) of Land will appear on any documents to be recorded in connection with this transaction and on the policy of title insurance.
- NOTE: Due to current conflicts or potential conflicts between state and federal law, which conflicts may extend to local law, regarding marijuana, if the transaction to be insured involves property which is currently used or is to be used in connection with a marijuana enterprise, including but not limited to the cultivation, storage, distribution, transport, manufacture, or sale of marijuana and/or products containing marijuana, the Company declines to close or insure the transaction, and this Preliminary Title Report shall automatically be considered null and void and of no force and effect.



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

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

**End of Report**

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

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

The East Half of the East Half (E1/2 E1/2) and that portion of the Northwest Quarter of the Southeast Quarter (NW1/4 SE1/4) lying Easterly of the Dalles-California Highway in Section 36, Township 21 South, Range 10 East of the Willamette Meridian, Deschutes County, Oregon.

EXCEPTING THEREFROM that portion thereof conveyed to the State of Oregon, by and through its State Highway commission by deed dated May 25, 1953, and recorded June 1, 1953, in Book 104, Page 187, Deschutes County Deed records.

ALSO EXCEPTING THEREFROM any portion thereof lying within the perimeter boundaries of Plat No. 508 Sundown Park filed April 19, 1979 and Plat No. 542 LaPine Meadows No. filed November 30, 1979.

ALSO EXCEPTING THEREFROM that portion thereof dedicated to the public as a public roadway by instrument executed by Randolph Toledano Kellems and Elliott S. Rosman, co-personal representatives of the Estate of Inez Toledano Kellems, etal, dated October 15, 1979, and recorded February 25, 1980, in Book 317, Page 266, Deschutes County Deed records, and described as follows:

Description for Rosland Road the center line of which is described as follows and being 60 feet in width:

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thence leaving said right of way relocated Rosland Road along the arc of said 4717.37 foot radius curve to the left, whose chord bears North 17°08'24" East 29.12 feet, a distance of 29.12 feet; thence leaving said curve North 88°44'11" East 569.56 feet; thence South 00°51'21" East 878.15 feet to the point of beginning.

AND FURTHER EXCEPTING that parcel described in deed recorded in Book 45, Page 826, Deschutes County records, as follows:

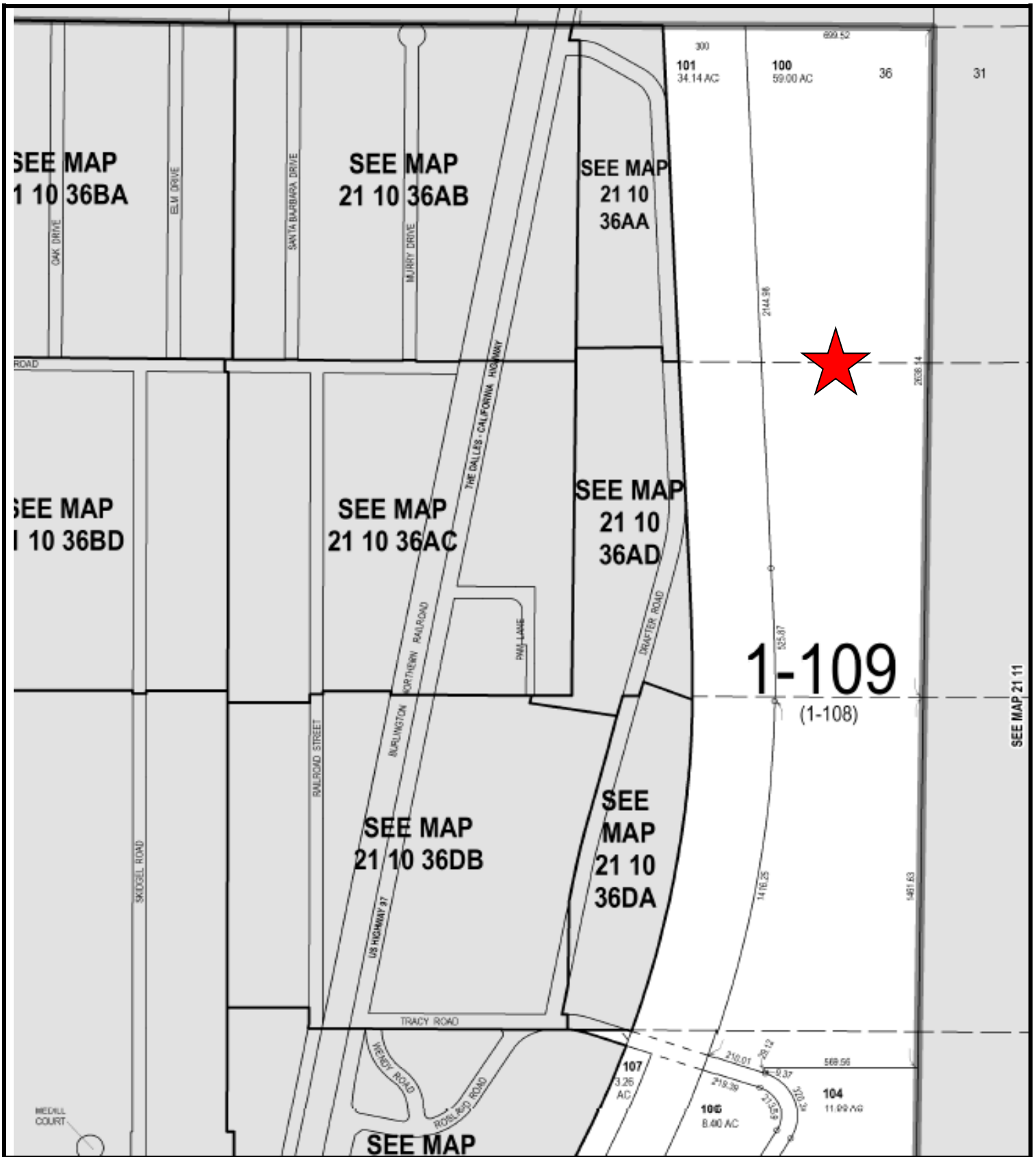
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17150 Rosland Road  
La Pine, OR 97739

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

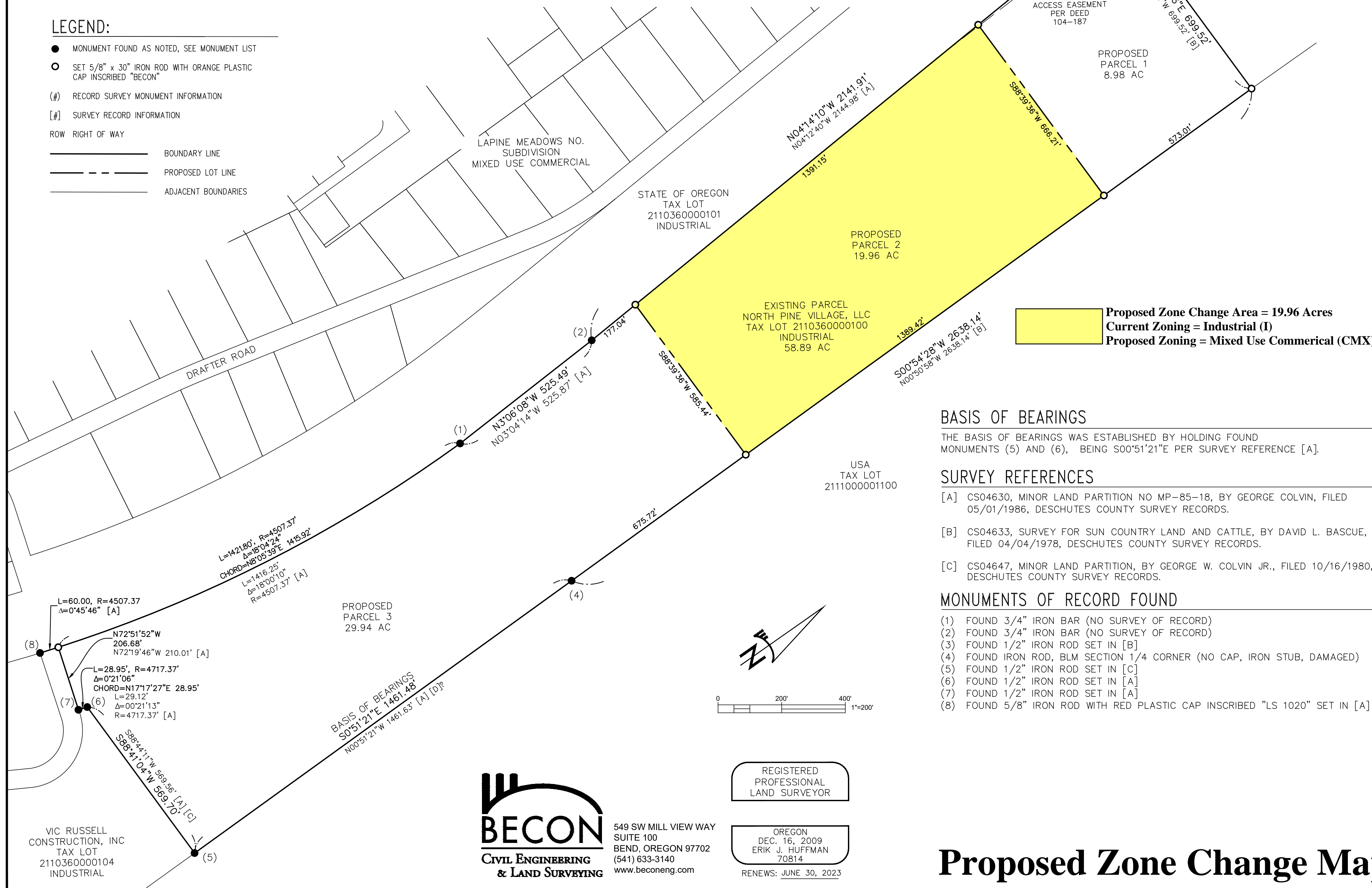
# PARTITION PLAT NO. \_\_\_\_\_

FOR: OKSENHOLT CONSTRUCTION CO.

LOCATED IN THE EAST 1/2 OF THE EAST 1/2 OF SECTION 36, TOWNSHIP 21 SOUTH, RANGE 10 EAST, WILLAMETTE MERIDIAN,  
CITY OF LA PINE, DESCHUTES COUNTY, OREGON.

## LEGEND:

- MONUMENT FOUND AS NOTED, SEE MONUMENT LIST
- SET 5/8" x 30" IRON ROD WITH ORANGE PLASTIC CAP INSCRIBED "BECON"
- (#) RECORD SURVEY MONUMENT INFORMATION
- [#] SURVEY RECORD INFORMATION
- ROW RIGHT OF WAY
- BOUNDARY LINE
- - - - PROPOSED LOT LINE
- ADJACENT BOUNDARIES



**Proposed Zone Change Area = 19.96 Acres**  
**Current Zoning = Industrial (I)**  
**Proposed Zoning = Mixed Use Commercial (CMX)**

## BASIS OF BEARINGS

THE BASIS OF BEARINGS WAS ESTABLISHED BY HOLDING FOUND MONUMENTS (5) AND (6), BEING S00°51'21"E PER SURVEY REFERENCE [A].

## SURVEY REFERENCES

- [A] CS04630, MINOR LAND PARTITION NO MP-85-18, BY GEORGE COLVIN, FILED 05/01/1986, DESCHUTES COUNTY SURVEY RECORDS.
- [B] CS04633, SURVEY FOR SUN COUNTRY LAND AND CATTLE, BY DAVID L. BASCUE, FILED 04/04/1978, DESCHUTES COUNTY SURVEY RECORDS.
- [C] CS04647, MINOR LAND PARTITION, BY GEORGE W. COLVIN JR., FILED 10/16/1980, DESCHUTES COUNTY SURVEY RECORDS.

## MONUMENTS OF RECORD FOUND

- (1) FOUND 3/4" IRON BAR (NO SURVEY OF RECORD)
- (2) FOUND 3/4" IRON BAR (NO SURVEY OF RECORD)
- (3) FOUND 1/2" IRON ROD SET IN [B]
- (4) FOUND IRON ROD, BLM SECTION 1/4 CORNER (NO CAP, IRON STUB, DAMAGED)
- (5) FOUND 1/2" IRON ROD SET IN [C]
- (6) FOUND 1/2" IRON ROD SET IN [A]
- (7) FOUND 1/2" IRON ROD SET IN [A]
- (8) FOUND 5/8" IRON ROD WITH RED PLASTIC CAP INSCRIBED "LS 1020" SET IN [A]



549 SW MILL VIEW WAY  
SUITE 100  
BEND, OREGON 97702  
(541) 633-3140  
www.beconeng.com

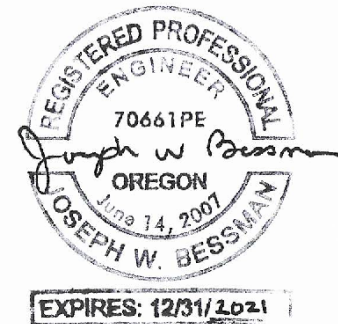
REGISTERED PROFESSIONAL LAND SURVEYOR

OREGON  
DEC. 16, 2009  
ERIK J. HUFFMAN  
70814  
RENEWS: JUNE 30, 2023

# Proposed Zone Change Map



Date:	January 6, 2021
To:	Tammy Wisco, Retia Consult, LLC
	Peter Russell, Deschutes County
	Don Morehouse, ODOT Region 4
From:	Joe Bessman, PE
Project Reference No.:	1499
Project Name:	La Pine CMX Rezone



The purpose of this memorandum is to propose scoping to rezone 50.0 acres located within La Pine City Limits from La Pine Industrial (LPIND) to La Pine Commercial Mixed-Use (CMX). The rezone of the 59.0 acre property excludes a nine-acre area that is planned for self-storage units, which are allowed outright in the current (and the proposed) zoning. This application provides an assessment of a reasonable “worst-case” trip generation scenario for the remaining acreage in compliance with the Transportation Planning Rule section on Plan and Land Use Regulation Amendments (OAR 660-12-0060). To address coordination requirements and the jurisdictional authority of the surrounding roadways, City of La Pine, Deschutes County, and ODOT are copied on this scoping letter.

## PROJECT BACKGROUND

The subject property is located in northeast La Pine at 17150 Rosland Road, tax lot 2110360000100. It is located along the eastern edge of the Wickiup Junction area between Drafter Road and Rosland Road, bordered to the west by a right-of-way tract owned by ODOT. The site has historically been used for forestry purposes, with no current development in place on the property. A site vicinity map is included in Figure 1 showing the overall parcel, with Figure 2 illustrating the 50-acre portion subject to the rezone. Due to the location of City utilities development of the property will begin on the southern edge and will extend north.



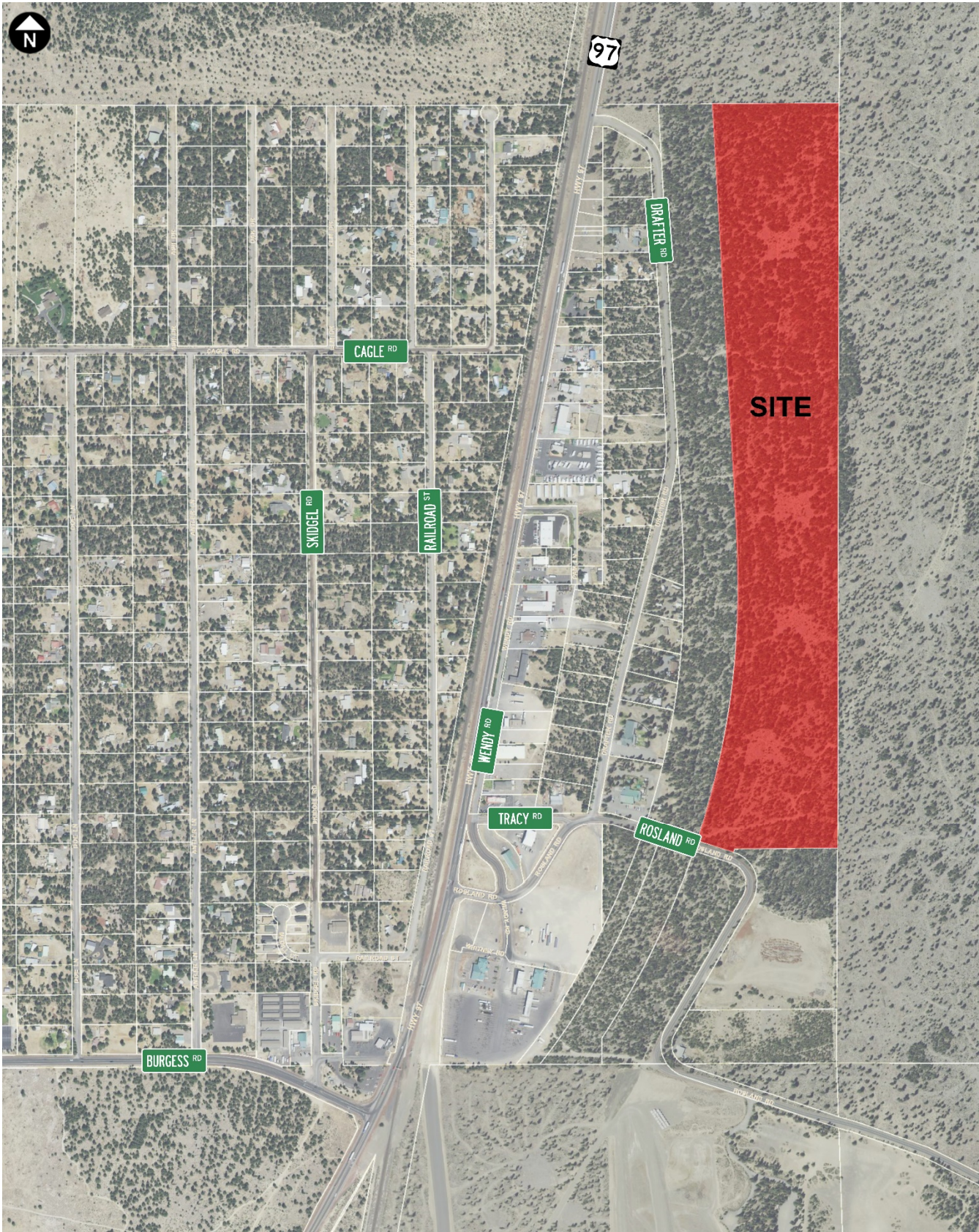


Figure 1. Site Vicinity Map. (Map Source: Deschutes County DIAL)



## TRANSPORTATION PLANNING RULE APPROACH

Oregon Administrative Rule 660-12 is referred to as the Transportation Planning Rule, and subsection -0060 describes the transportation requirements for a Plan and Land Use Regulation Amendment. The critical item within this analysis is to assess whether a proposed amendment to a functional plan, acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility. This review is typically initiated through review of the trip generation potential of the existing and proposed zoning designations assuming reasonable worst-case development scenarios.

For this review, City of La Pine Development Code was reviewed to compare uses allowed within the existing and proposed designations. This assessment considers uses that are allowed outright in each of the zones as identified in Code and considers the most intense uses based on typical land area associated with this use.

### Existing *La Pine Industrial* Designation

La Pine Development Code 15.24 describes the purpose and uses for Industrial lands.

*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.*

The following uses are allowed outright within the City's *Industrial* zone:

- Self Service Storage
- Artisanal and Light Manufacturing
- General Manufacturing and Production
- Wholesale Sales
- Warehouse and Freight Movement

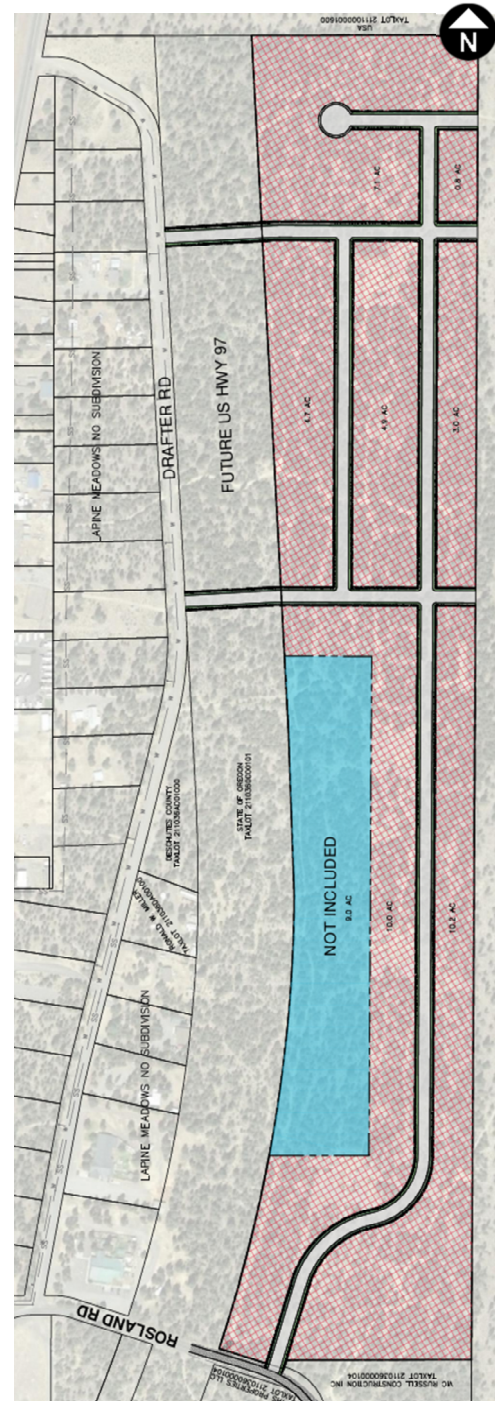


Figure 2. Rezone Area of Parcel.  
Source: BECON Engineering.

- Basic Utilities
- Community Services
- Forestry
- Wireless Communication Services

The allowable uses within the La Pine Industrial zone are generally more land- and freight-intensive uses. The most intense uses are likely to be various types of light manufacturing/production uses, which could be developed throughout the entirety of this property. Most industrial uses contain a Floor to Area Ratio (FAR) ranging between 0.25 and 0.35, with a lower FAR of 0.25 anticipated within this area given surrounding development patterns. Table 1 summarizes the comparative trip rates of the higher-intensity allowable uses within this industrial zone.

**Table 1. Comparative Trip Rates of Existing Zoning Outright Allowable Uses, ITE 10<sup>th</sup> Edition**

Land Use	ITE Code	Weekday Daily Trips	Weekday PM Peak Hour		
			Total	In	Out
Industrial Park	130	3.37/KSF	0.40/KSF	21%	79%
Manufacturing	150	3.93/KSF	0.67/KSF	31%	69%
General Light Industrial	110	4.96/KSF	0.63/KSF	13%	87%

Based on these allowable uses, *Manufacturing* (ITE 150) results in the highest number of weekday p.m. peak hour trips. Various types of manufacturing uses could locate within this area, which would implicitly include areas for office, storage, and production. Trip generation estimates were prepared for this scenario.

**Table 2. Existing Zoning Trip Generation Potential, ITE 10<sup>th</sup> Edition**

Land Use	ITE Code	Acreage/ Density	Metric	Daily Trips	Weekday PM Peak Hour		
					Total	In	Out
Manufacturing	150	50.0 Acres FAR: 0.25	544,500	2,140	365	113	252

### Proposed *Commercial Mixed-Use* Zoning

*City of La Pine Development Code* (LPDC) section 15.24.200(C) describes the proposed *Commercial Mixed-Use* (CMX) zoning district as the following:

*The CMX zone is intended to allow for a wide range of both commercial and residential uses. Unlike the CRMX zone, residential uses are not limited and are allowed to be developed on standalone sites. Some commercial uses that may not be compatible with residential uses are prohibited or limited. The CMX zone allows for flexible uses that can respond to market demand.*

For a smaller lot, a “worst-case” analysis scenario would focus entirely on the most intense allowable uses that could be developed. With the remaining 50-acre portion of the site this approach is not reasonable, as this acreage of high-intensity uses could not be supported in a community the size of La Pine. Instead, a scenario was prepared assuming a general mix of uses based on input from the project team. This mix of uses was revised to increase the amount of higher-intensity uses to provide a conservative analysis scenario, as summarized below:

- Single-Family Residential: 50%, approximately 25.0 acres
- Multifamily Residential: 30%, approximately 15.0 acres
- Commercial: 20%, approximately 10.0 acres

The following uses are allowed outright within the City’s *Commercial Mixed-Use Zone*:

- Single-family dwelling
- Cottage cluster development
- Townhome
- Duplex
- Multi-family development
- Manufactured dwelling
- Manufactured dwelling park
- Accessory dwelling unit
- Residential care home
- Residential care facility
- Commercial Lodging
- Commercial Parking
- Commercial Recreation
- Forestry
- Eating and Drinking Establishments
- Marijuana Dispensary
- Office
- Self-Service Storage
- Basic Utilities
- Colleges
- Community Services
- Daycare Centers
- Parks and Open Areas
- Religious Institutions
- Schools
- Agriculture

Within the CMX zone, the most intensive commercial uses would be eating and drinking establishments, daycare centers, or offices, as shown in Table 3. A likely development scenario will include the parceling the commercial lands to allow multiple user types within the 1 to 2-acre size range, with only one or two sites dedicated to these more intense uses given the non-highway frontage of the site. Within the residential area a target density would be less than 4.0 units per acre, and the multifamily would be in the range of 22 units per acre.

**Table 3. Commercial Use Trip Generation Rate Comparison, ITE 10<sup>th</sup> Edition**

Land Use	ITE Code	Metric	Weekday Daily Trips	Weekday PM Peak Hour		
				Total	In	Out
High Turnover (Sit-Down) Restaurant	932	KSF	63.94/KSF	5.57/KSF	62%	38%
Fast Food Restaurant with Drive-Through Window	934	KSF	235.48/KSF	16.33/KSF	52%	48%
General Office	710	KSF	9.74/KSF	1.15/KSF	16%	84%
Day Care Center	565	KSF	47.62/KSF	11.12/KSF	47%	53%

Interaction between uses within this mixed-use scenario is accounted for by internal trip reductions calculated via the Institute of Transportation Engineer’s Internal Trip Capture Estimation Tool. These calculations show an overall 8% internalization rate. Table 4 contains the estimated trip generation potential of the proposed development with the above assumptions for land use applied, with all calculations provided using ITE’s average rate equations.



**Table 4. Proposed Zoning Net Trip Generation Comparison, ITE 10<sup>th</sup> Edition**

Land Use	ITE Code	Acreage/ Density	Metric	Daily Trips	Weekday PM Peak Hour		
					Total	In	Out
Single-Family Detached Housing <i>Internal Trips (8%)</i>	210	25 Ac 4.0/Ac	100 Units	944 -76	99 -8	62 -5	37 -3
Multifamily Housing (Mid-Rise) <i>Internal Trips (8%)</i>	221	15 Ac 22.0/Ac	330 Units	1,795 -144	145 -12	88 -7	57 -5
High Turnover (Sit-Down) Restaurant <i>Internal Trips (8%)</i> <i>Pass-by Trips (43%)</i>	932	0.70 Ac Typical	5,000 SF	561 -45 -222	49 -4 -19	30 -2 -12	19 -2 -7
Fast Food Restaurant with Drive- Through Window <i>Internal Trips (8%)</i> <i>Pass-by Trips (50%)</i>	934	0.6 Ac Typical	3,000 SF	1,413 -113 -650	98 -8 -45	51 -4 -23	47 -4 -22
General Office <i>Internal Trips (8%)</i>	710	8.7 Ac FAR: 0.20	75,794 SF	738 -59	87 -7	14 -1	73 -6
Total Trips <i>Internal Trips</i> <i>Pass-by Trips</i> Net New Trips				5,451 -437 -872 4,142	478 -39 -64 375	245 -19 -35 191	233 -20 -29 184

Trip Generation Comparison

Table 5 presents a comparison of the existing and proposed trip generation between the two zoning scenarios. This shows that the rezone has the potentially to double the number of weekday daily trips, but during the critical evening peak commute hour these differences are minor. The shift from employment-based uses to largely residential does shift the inbound/outbound travel patterns with little change in overall volumes.

**Table 5. Proposed Zoning Trip Generation Estimates, ITE 10<sup>th</sup> Edition**

Land Use	Weekday Daily Trips	Weekday PM Peak Hour		
		Total	In	Out
Existing Zoning Potential (See Table 2)	2,140	365	113	252
Proposed Zoning Potential (See Table 4)	4,142	375	191	184
<b>Trip Difference</b>	<b>+2,002</b>	<b>+10</b>	<b>+78</b>	<b>-68</b>

More intense land use scenarios could be possible within the CMX zoning that included higher residential densities or higher proportions of commercial lands with more restaurants, regardless of how realistic these scenarios may be. Accordingly, future analysis and mitigation of any identified impacts must also include measures be put into place to ensure that the rezone to CMX remains below the 375 weekday p.m. peak hour trip level shown in Table 4 that could be generated with the proposed zoning designation.

## Site Access and Trip Distribution

Access to the property will be provided directly from Rosland Road. With the long rectangular shape of the property secondary access will likely be required from a more northern location as the property develops, to support emergency and secondary access requirements. As this will require crossing ODOT-managed lands that were originally purchased for a future bypass alignment, additional discussions will need to occur with ODOT. For purposes of the scoping process, it was assumed that all trips would access directly onto Rosland Road from a single access location east of Drafter Road. It was also assumed that Drafter Road would remain unpaved, and so all trips onto US 97 would be consolidated at the Rosland Road intersection.

Trip distribution pattern was prepared based on the general locations of residential areas, employment centers, and area destinations. Pass-by trips for the proposed zoning scenario were informed based upon historical counts at the US 97 / Rosland Road intersection dated January 11, 2018. Figure 3 illustrates the estimated trip distribution pattern and how the trip difference is assigned to the adjacent intersections.

The critical intersections within the area are the US 97/Rosland Road intersection and the US 97/Burgess intersection. At US 97/Rosland Road the volumes reduce the outbound movements that are stop-sign controlled, which will reduce intersection delays. At the US 97/Burgess Road intersection the rezone adds to the critical eastbound left-turn maneuver, but also reduces the southbound highway volumes that conflict with this maneuver.

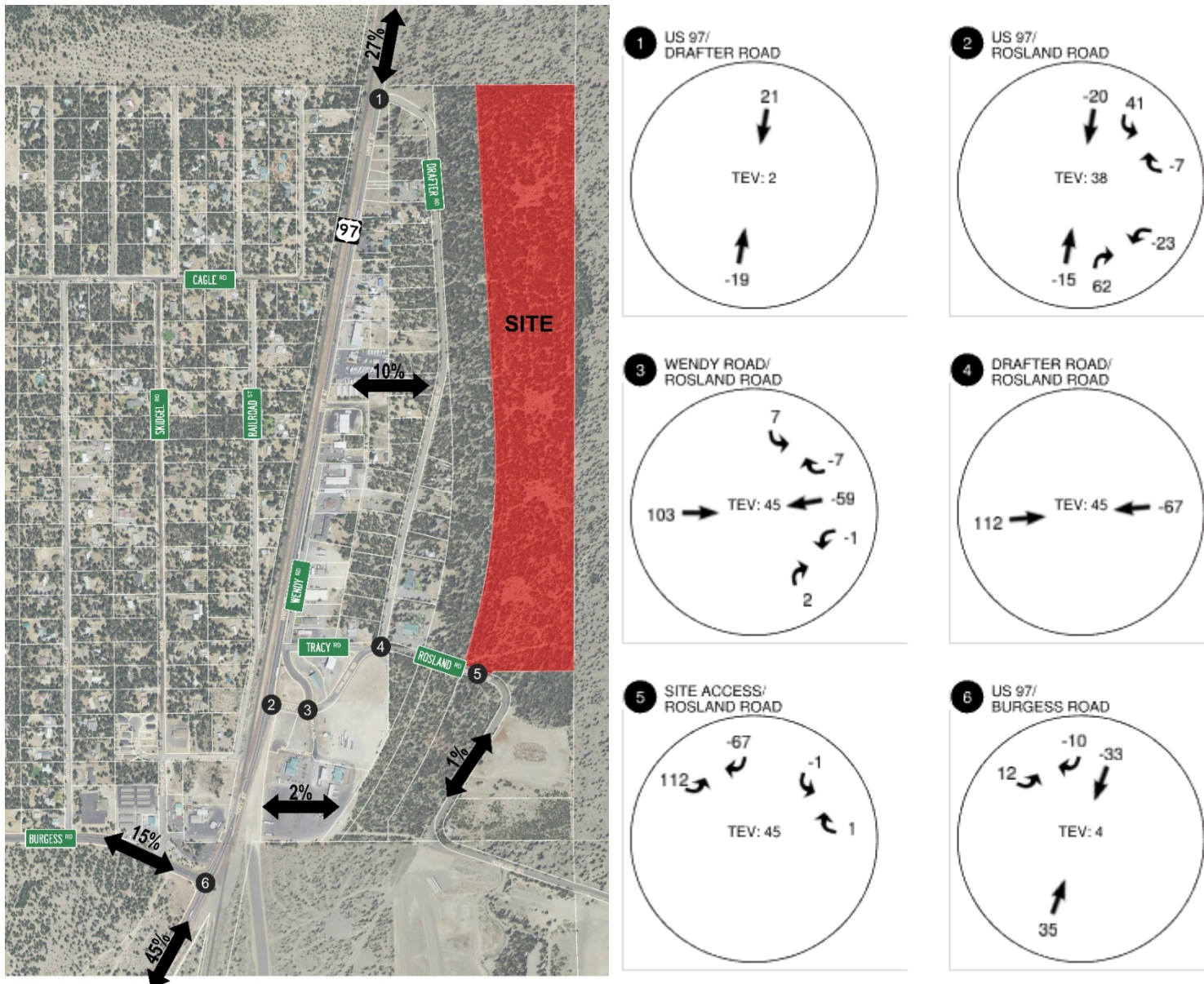


Figure 2. Estimated Trip Distribution and Assignment of Additional PM Peak Hour Trips.



## Wickiup Junction Plan Review

To assess the level of growth assumed within ODOT’s *Wickiup Junction Refinement Plan* for this area, the forecasting memoranda were obtained and reviewed. This review showed that all forecasting assumptions were prepared through the application of an annual growth rate to the existing traffic volumes. While the plan included the Rosland Road/Drafter Road intersection as a *study intersection*, materials within the report appear to include placeholder text that was not revised within the final *Memorandum #5: Future Conditions Analysis*, as shown in Figure 3, preventing comparison of what was assumed for these urbanizable lands.

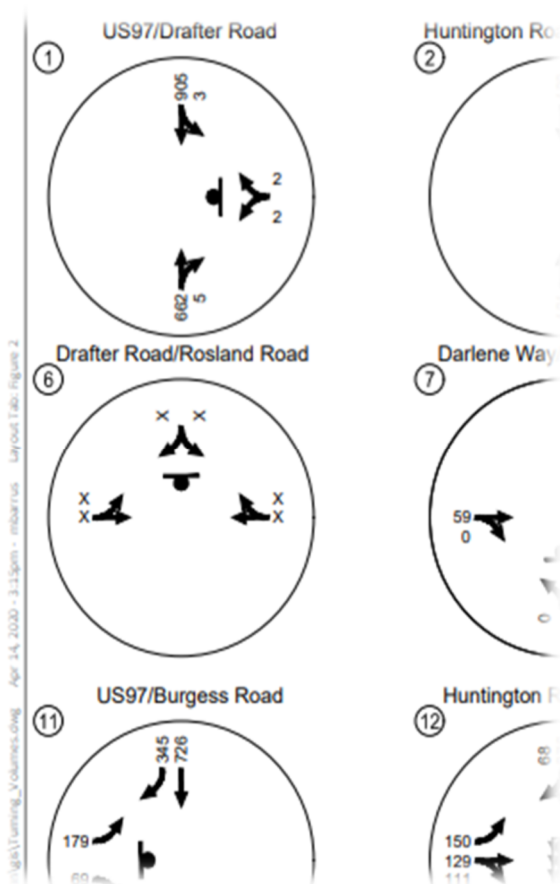


Figure 3. Forecast traffic volumes at the Drafter Road/Rosland Road intersection.  
 Source: *Final Technical Memorandum 5: Future Conditions Analysis*, Kittelson & Associates.

Traffic volume forecasts within the Wickiup Junction plan at the US 97/Rosland Road intersection appear to have been approximated through a two-percent annual growth factor without any specific account for buildable lands. This approach results in about 100 more trips using Rosland Road in the future year 2040 scenario than within the existing traffic counts. Regardless of how the forecasting was prepared, the plan appears to acknowledge the existing *Industrial* zoning within Technical Memorandum #4.

## PROPOSED STUDY AREA

With the increased trips and the change in directionality it is proposed that locations #2 through #6 shown in Figure 2 be considered *Study Intersections*. This would only omit the US 97/Drafter Road intersection as it shows less than 25 added weekday p.m. peak hour trips and no turning movements that would influence the major street performance.

All traffic counts will be obtained from the Wickiup Junction Study, and traffic volume forecasting will use the same horizon year with the same linear growth approach as has been approved by the City of La Pine, Deschutes County, and ODOT for application throughout the Wickiup Junction plan. This TPR analysis will effectively demonstrate that with the proposed CMX rezone the approved Wickiup Junction plan will remain viable to support these additional trips, or appropriate mitigation measures will be identified.

## NEXT STEPS

Thank you for the opportunity to provide these scoping materials for review and comment. If you have any questions or comments I can be reached at (503) 997-4473 or via email at [joe@transightconsulting.com](mailto:joe@transightconsulting.com).

## STAFF REPORT

**TO:** La Pine Planning Commission  
**FROM:** Principal Planner, Alexa Repko  
**SUBJECT:** Planning File – 02ZC-22  
**DATE:** August 10, 2022

### I. BACKGROUND

- A. **APPLICANT:** North Pine Village LLC
- B. **PROPERTY LOCATION:** The property is located in the northeast corner of City Limits. The street address is 17150 Rosland Road and it is identified as Tax Lot 100 on Deschutes County Assessor Map 21-10-36
- C. **PARCEL SIZE:** The subject property contains approximately 19.96 acres.
- D. **EXISTING DEVELOPMENT:** The subject property is currently undeveloped and vegetated with trees.
- E. **ZONING:** Industrial Zone (IND).
- F. **ADJACENT ZONING AND LAND USE:** The adjacent property to the west is undeveloped and zoned Industrial, but abuts properties in the Commercial Mixed-Use Zone that are developed with both residences and businesses. Properties to the north and east are outside of the City Limits. To the south is property also zoned Industrial and owned/operated as a construction company.
- G. **REQUEST:** The applicant is requesting approval to change the zone on the subject property from Industrial (IND) to Commercial Mixed Use (CMX).
- H. **DECISION CRITERIA:** La Pine Municipal Code; Chapter 15.344.

### II. APPLICATION SUMMARY

- A. The applicant is requesting approval of a Zone Change on the subject property. The request would change the zoning from Industrial zone Commercial Mixed Use. As both the Comprehensive Plan map and Zone Map are coterminous, the application effectively amends both the Plan and Zone maps. While this application does not include a concurrent development request, the applicants intend to redevelop the northside of the property with 40,000 square feet of mini-storage units and construct a 132-unit apartment on the southern three acres.



- B. Pursuant to Section 15.202.010 of the Municipal Code, map amendments are classified as a Type III land use application. Section 15.204.030 calls for a public hearing before the Planning Commission. Unless the Commission decision is appealed or called-up by the City Council, the Commission decision is the final local decision.
- C. The City mailed notice of the application to affected agencies, area property owners and the Department of Land Conservation and Development (DLCD). The City Engineer and Public Works Director reviewed the proposal and did not offer any comments. The DLCD did not submit comments.

**IV. CRITERIA AND FINDINGS – TEXT AND MAP AMENDMENTS**

- A. Both the Industrial and Commercial Mixed-Use zones allow uses that provide employment opportunities. However, the CMX also allows a wide range of residential uses. Development Code Section 15.22.200.C., notes the following:

*C. Commercial Mixed-Use Zone (CMX). The CMX zone is intended to allow for a wide range of both commercial and residential uses. Unlike the CRMX zone, residential uses are not limited and are allowed to be developed on standalone sites. Some commercial uses that may not be compatible with residential uses are prohibited or limited. The CMX zone allows for flexible uses that can respond to market demand.*

This review will address the zone change in the light of the flexibility afforded the CMX zone.

- B. As noted, chapter 15.334 establishes the process for a zone change. Subsection 15.334.010 establishes the purpose of the Chapter:

*“The purpose of this chapter is to provide standards and procedures for legislative amendments to the comprehensive plan and map and to this Development Code and zoning map. Amendments may be necessary from time to time to reflect changing community conditions, to correct mistakes, or to address changes in the law.”*

**FINDINGS:** The request would change the Comprehensive Plan designation and Zone on a property within the City. This is entirely consistent with the purpose of the Chapter.

- C. Section 15.2334.020 contains the applicability provisions. The following commentary reviews each item:
  - 1. Sec. 15.334.020.A. Legislative amendments generally involve broad public policy decisions that apply to other than an individual property owner. These include, without limitation, amendments to the text of the comprehensive plans, Development Code, or changes in zoning maps not directed at a

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small number of property owners. The following amendments are considered generally considered legislative:

- a. All text amendments to Development Code or comprehensive plan (except for corrections).
- b. Amendments to the comprehensive plan map and/or zoning map that affect more than a limited group of property owners.

**FINDINGS:** As the property owners submitted the zone change application, this action is not considered a legislative action.

2. Sec. 15.334.020.B. - Amendments to the comprehensive plan and/or zoning map (zone change) that do not meet the criteria under subsection "A." may be processed as quasi-judicial amendments. However, the distinction between legislative and quasi-judicial changes must ultimately be made on a case-by-case basis with reference to case law on the subject.

**FINDINGS:** As noted above, the request involves property owned by the applicants. Staff concludes this is a quasi-judicial request.

3. Sec. 15.334.020C. Requests for text and map amendments may be initiated by an applicant, the planning commission, or the city council. The city planning official may request the planning commission to initiate an amendment. Initiations by a review body are made without prejudice towards the outcome.

**FINDINGS:** The property owners initiated this request.

- D. Section 15.334.030 identifies the applicable procedure for the request: (A) legislative amendments are subject to Type IV review in accordance with the procedures in Article 7; and (B) quasi-judicial amendments are subject to Type III review in accordance with the procedures in Article 7, except that quasi-judicial comprehensive plan amendments and zone changes which must be adopted by the city council before becoming effective.

**FINDINGS:** As a quasi-judicial zone change, the request is subject to Type III review in accordance with the procedures in Article 7. Per the requirements in the subsection, final adoption of the amendment rests with the City Council.

- D. Section 15.334.040 contains the approval criteria. The planning commission review and recommendation, and city council approval of an ordinance amending the zoning map, Development Code, or comprehensive plan shall be based on all of the criteria found in the following subsections.
- E. Section 15.334.040.A. - The proposal must be consistent with the comprehensive plan (the comprehensive plan may be amended concurrently with proposed changes in zoning). If the proposal involves an amendment to the comprehensive plan, the amendment must be consistent with the statewide planning goals and relevant Oregon Administrative Rules; and

**FINDINGS:** The hearing before the Planning Commission is consistent with goals and policies in Chapter 2 related to Citizen Involvement. As the request, and subject property, do not involve farm or forest land, the policies in Chapters 3 and 4, respectively, do not apply. Policies of Chapter 5 (Natural Resources and Environment) also do not apply, as the property is undeveloped, but does not contain identified Goal 5 resources. As existing Industrial zoned land, recreational lands or resources are not impacted (Chapter 6 – Parks, Recreation, Open Space). Development must demonstrate that sewage treatment, water service, and storm water management will be available to serve future development and supplied in accordance with the adopted design standards (Chapter 7 – Public Facilities). Provisions for water, sewer and storm service also address environmental concerns of Chapter 5. For the record, neither the City Engineer nor Public Works Director expressed concerns with providing needed facilities. A traffic memo submitted by the applicant shows that a rezone from Industrial to CMX and development of the proposed residential and commercial uses will reduce the trip generation potential of the site (Chapter 8 – Transportation). Any development on the site must comply with current energy efficiency requirement (Chapter 11 – Energy). This action involves an urban zone within corporate limits and does not expand the UGB (Chapter 12 – Urbanization).

The CMX zone is identified as an “employment zone” in the Comprehensive Plan, subject to the inventory and analysis for commercial/industrial type activities. These policies are found in Chapter 9 – Economy. However, the CMX zone also has the potential for residential development (Chapter 10 – Housing). Compliance with the policies in both Chapters are reviewed in Section 15.334.040.D.

- F. Section 15.334.040.B. - The proposal must be found to:
  - a. Be in the public interest with regard to community conditions; or
  - b. Respond to changes in the community; or
  - c. Correct a mistake or inconsistency in the subject plan or code; and

**FINDINGS:** The public interest is served as the zone change to Commercial Mixed Use provides more development options, thereby increasing the site’s employment



potential. Further, based on the proposed development of the site, the new zone allows construction of needed housing which meets clearly identified the community interests.

- G.** Section 15.334.040.C. - The amendment must conform to section 15.344.060 [15.334.050], transportation planning rule compliance; and

**FINDINGS:** The subject property abuts Rosland Road, an east-west local street intersecting Highway 97, a north-south highway and principal arterial roadway. The applicant submitted a traffic memo, which outlined the impacts of the proposed comp plan amendment/zone change and the potential impact of the proposed residential and commercial uses. The memo shows that a rezone from Industrial to CMX would have negligible effect on overall traffic volumes, reducing traffic impacts compared to potential development of the site based on the current zoning. For the record, frontage improvements and compliance with the City's TSP are required at time of site development.

- H.** Section 15.334.040. D. - For a quasi-judicial zone change the applicant must also provide evidence substantiating that the following criteria are met:

- 1.** Section 15.334.040.D.1. - Approval of the request is consistent with applicable statewide planning goals.

**FINDINGS:** Compliance with the Statewide Goals is noted below:

Goal 1, Citizen Involvement: A public hearing on the zone change will be held before the Commission. This action provides an opportunity for public input, consistent with City procedures and the intent of this Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Further, the adoption process is consistent with the state acknowledged Development Code.

Goal 3, Agricultural Lands: The proposal does not involve farmland or land subject to Exclusive Farm Use regulations.

Goals 4, Forest Lands: The proposal does not involve forest lands.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The land is currently zoned for industrial activities. Based on information in the Comprehensive Plan, identified cultural, or natural resources are not located on the site.

Goal 6, Air, Water and Land Resource Quality: Compared to the existing Industrial zone, the proposal will not create uses or activities which will adversely affect the environment. Compliance with water, sewer and storm development requirements further ensure the air, water and land quality are preserved.

Goal 7, Natural Hazards: Development Code requirements for natural hazard areas are unchanged. For the record, the site is not located within an identified natural hazard area such as a floodplain.

Goal 8, Recreational Needs: The proposed zone change does not involve land identified for recreational opportunities.

Goal 9, Economic Development: Both the existing zone and proposed zone are designed to provide employment opportunities. While the extent and nature of those jobs in their respective zones may vary, the fundamental nature of the proposal does not reduce employment opportunities.

Goal 10, Housing: While permitting employment activities, the zone change also provides an opportunity to provide needed entry-level housing for the community. In combination, this serves the City's interest in developing mixed neighborhoods containing both residences and businesses.

Goal 11, Public Facilities and Services: Facilities are available to serve current and future development. Further, development cannot occur that does not comply with local public facility requirements. This ensures the zone change does not create uses or activities that will increase adverse impacts on existing public facilities.

Goal 12, Transportation: A preliminary traffic analysis submitted by the applicant shows that a rezone from Industrial to CMX has little effect on overall traffic volumes. Further, at the point of development, traffic impacts are assessed, and improvements required, to ensure impacts on the existing transportation system are minimized.

Goal 13, Energy Conservation: The proposal neither promotes nor reduces energy conservation. All new structures – regardless of zone – must conform to the energy efficiency requirements of the building code.

Goal 14, Urbanization: The proposal involves an urban use within the community and does not affect or accelerate the need to consider boundary revisions.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposal does not involve land within the Willamette Greenway or coastal areas.

In general, the proposal does not directly affect issues addressed by the Statewide Goals.

2. Section 15.334.040.D.2. - Approval of the request is consistent with the relevant policies of the comprehensive plan.

**FINDINGS:** As noted the CMX zone can provide opportunities for employment and housing. Compliance with the policies in each relevant Chapter is reviewed below.

Relevant employment-related policies for the proposed zone change are found in Chapter 9, Economy of the Comprehensive Plan. Goal #1: *Provide adequate industrial and commercial land inventories to satisfy the urban development needs of La Pine for the 20-year planning horizon.* This Goal is supported by the following seven policies:

- The current city limits are adequate for serving as the Urban Growth Boundary, although special circumstances may necessitate expansion before 2029.

**FINDING:** This policy notes there is adequate land within the current UGB to meet the immediate future needs of the community. Otherwise, the policy is not applicable as the request does not expand the UGB.

- Updates to inventories and analysis of needed industrial and commercial land types, existing land supplies, and economic development strategies for meeting the requirements of the community are essential. It is necessary to provide adequate buildable industrial and commercial land for the 20 years planning horizon.

**FINDING:** The 2018 Comprehensive Plan contains the latest inventory and analysis for commercial and industrial land. Subsection III. - Lands Analysis of Chapter 9 notes the following:

*The projected breakdown of needed employment lands is 342.0 gross acres which is less than the 405.39 acres available within the current UGB, leaving 63.39 gross acres as a reserve over the 20- year period.*

As both the existing Industrial zone and proposed Commercial Mixed Use are included in this analysis, conversion from one zone to the other will not reduce

the current reserve. Even if this newly zoned land is developed 100% residential, there remains 58-acres of reserve employment land. Further, the La Pine Industrial Parks provides sufficient acreage (327 acres) to meet the need for large 50-acre to 120-acre parcels.

- Frequent updates to the inventories may be required in response to redevelopment, proposed zone changes, mixed-use development techniques and planned unit developments that enable “Complete Neighborhood” concepts and economic development opportunities.

**FINDING:** As the CMX zone allows residential uses, there may be potential to incorporate the newly zoned property with other Commercial Mixed-Use land to the west, creating the “Complete Neighborhood” concept. While not required, this option remains open.

- State, local, and nationwide trends are not adequate to properly estimate needed industrial and commercial lands. Other local information and economic development targeting goals must be used to properly evaluate future land needs.

**FINDING:** The Plan recognizes demand estimates are not exact science. However, the land inventory contains a reserve that has the potential to meet changes in the market and national trends.

- Adequate public facilities must be planned, funded, and installed to serve industrial sites and commercial areas.

**FINDING:** Development cannot occur on the site until such time adequate public facilities are extended to serve the site and improved in a manner consistent with City public works regulations. At this junction, City staff did not identify any facility limitations with the site’s development.

- Preservation of large industrial parcels over 30 acres in size will attract target industries and new manufacturing businesses.

**FINDING:** This request involves 29.96 acres. While it reduces available Industrial land, this is not a major reduction and does not affect other existing available large-sized parcels.

- Planning for workforce housing will also attract target industries.

**FINDING:** This policy ties into the City’s housing policies. However, in this case, the subject site offers additional housing opportunities without significantly impacting the ability of the City to provide land for employment.



General Housing Policies Goal #1 encourage a wide variety of housing types to meet housing needs. The following policies implement this goal:

- It is essential to develop strategies that increase the variety of housing choices in the community. These strategies must include an inventory and analysis of needed housing types, existing housing supplies, and strategies for meeting the changing community demographic.

**FINDINGS:** The various residential zones, including the CMX zone, implement this policy.

- It is necessary to provide adequate buildable residential land for the 20-year planning horizon. The La Pine community needs a full range of housing types to sustain a healthy community

**FINDINGS:** The buildable lands inventory indicated the City has a significant surplus of residential zoned lands to meet identified needs.

- It is necessary to accommodate growth and provide mechanisms to ensure that a variety of housing options for all income levels are available in both existing neighborhoods and new residential areas.

**FINDINGS:** This policy is met as the CMX zone provides a variety of housing options and is further supported by the applicants' plan to develop the subject property with commercial as well as residential uses if approved.

- It is necessary to encourage development and redevelopment of residential areas to make them safe, convenient, and attractive places to live and located close to schools, services, parks, shopping, and employment centers.

**FINDINGS:** The CMX zone allows a mix of commercial and residential uses. Other Industrial and CMX land in the vicinity may provide employment opportunities while to the west shopping opportunities are available in the City's Wickiup Junction area. While parks and schools are located further south, on balance, the property is not located at a significantly greater distance from these facilities than similar residential properties in the vicinity.

- Residential developments shall be located in close proximity to employment and shopping opportunities.

**FINDINGS:** This policy is met as the CMX zone provides both employment and shopping opportunities in addition to residential development and is located near land zoned CMX.

- The community should maintain the feel of a small community through careful design of new and redeveloping residential areas. Mixed-use and “Complete Neighborhood” design techniques can accomplish this objective.

**FINDINGS:** The CMX zone is consistent with this policy as the mix of commercial and residential uses in the zone, and the proximity of additional CMX zoned land permit a “complete neighbor”.

- A regular housing analysis shall be the basis for understanding and projecting housing needs. City staff will need to manage the calibration data in order to accommodate local cultural characteristics and anomalies. This shall include analysis of financial capability and policies/programs as needed to improve financial capability.

**FINDINGS:** This is an ongoing requirement for the City. For this item, the current buildable lands inventory shows a significant surplus of residential land in the UGB.

- Development code regulations should allow and provide standards for a range of housing types including multi-family, townhouses, zero lot line, cottage/tiny home developments, accessory dwelling units, and low-income housing within the UGB.

**FINDINGS:** Compliance with this policy was initiated when the Development Code was established, with the CMX zone (and other zones) providing the above noted housing opportunities.

- La Pine desires to encourage and sustain affordable housing while protecting the physical characteristics of land relating to the carrying capacity of the land, drainage, natural features, and vegetation.

**FINDINGS:** Establishing the CMX zone provides an opportunity to comply with policy.

- Where multi-family development is permitted in commercial districts it should generally be subject to the same density and design standards as that within Multi-Family Residential District.

**FINDINGS:** The CMX zone is consistent with this policy.

3. **Section 15.334.040. D. 3.** Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

**FINDINGS:** Public facilities are available to serve current and planned future

development. City staff did not identify any limitations with the existing system and notes that improvements, along with capacity analyses, are addressed at the time of a site plan application. An improved street network is in place to serve the site.

4. **Section 15.334.040. D. 4.** For nonresidential changes, the proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.

**FINDINGS:** From an employment perspective, this criterion does not apply as the proposed new zone is less intensive than the existing Industrial zone.

- I. **Section 15.334.050.** Proposals to amend the comprehensive plan or zoning map shall be reviewed to determine whether they significantly affect a transportation facility pursuant to OAR 660-012-0060 (Transportation Planning Rule - TPR). Where the city, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the city shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

**FINDINGS:** The applicant submitted a detailed traffic memorandum from Traffic Engineer, Joe Bessman, of Transight Consulting LLC. This memorandum demonstrates that the proposed zoned change will not significantly affect transportation facilities under applicable TPR standards. The applicant's traffic analysis demonstrates that the proposed residential and commercial uses will reduce the trip generation potential and avoid significant impacts that would otherwise occur. The applicant's traffic analysis will be re-submitted for City approval at the time the property owner submits a development application. Accordingly, the rezone directly complies with the Transportation Planning Rule's requirements for a Plan and Land Use Regulation Amendments.

## **V. CONCLUSION AND RECOMMENDATION**

- A. This application is unusual in that an approval provides land for employment needs, residential development, or both. As commercial land, the identified employment needs of the City will be met without impacting the employment land reserve. The employment reserve acreage will decline slightly if the site is 100% developed with residences; however, a pressing need for new housing is met. Developed as a mixed-use project – both commercial and residential – the City's interest in mixed neighborhoods is supported.
- B. On balance, staff concludes the zone change from Industrial to Commercial Mixed Use will have insignificant impact on the City's ability to provide land to meet

employment requirements while creating the potential for additional entry-level housing. Based on the above findings, the proposal complies with the applicable decision criteria. Therefore, City staff recommends Planning Commission approval of the proposed zone change.

## **VI. PLANNING COMMISSION ACTION**

- A.** The Planning Commission may either:
  - 1.** Approve the application and adopt findings contained in the staff report;
  - 2.** Approve the application with modified findings; or
  - 3.** Deny the application, specifying reasons why the applicant has not met the criteria.
  
- B.** Staff will prepare an Order for the Chair's signature based on the Commission's decision.



Account	MapTaxlot	Owner	Agent	InCareOf	Address	CityStZip
170697	2110360000106	RANSOM, JAMES			870 METHODIST RD	HOOD RIVER, OR 97031
141081	2110360000100	NORTH PINE VILLAGE LLC			PO BOX 449	LINCOLN CITY, OR 97367
163475	2110360000104	VIC RUSSELL CONSTRUCTION INC		ATTN: VICKI RUSSELL (A)	PO BOX 2520	LA PINE, OR 97739
151568	2111000001100	USA				
151488	2110000001600	USA				

**From:** [Jacob Obrist](#)  
**To:** [Alexa Repko](#)  
**Cc:** [Erik Huffman](#)  
**Subject:** North Pine Village-Zone Change  
**Date:** Wednesday, August 10, 2022 3:11:15 PM  
**Attachments:** [image001.png](#)

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Alexa,

I have no comments at this time in regards to the Zone Change for North Pine Village.

Best,



**Jake Obrist**  
*Public Works Manager*  
City Hall: 541-536-1432  
Cell Phone: 541-419-5625  
16345 Sixth St. La Pine, OR 97739  
[www.ci.la-pine.or.us](http://www.ci.la-pine.or.us)

**From:** [Erik Huffman](#)  
**To:** [Alexa Repko](#)  
**Cc:** [Jacob Obrist](#)  
**Subject:** North Pine Village Zone Change  
**Date:** Wednesday, August 10, 2022 3:12:06 PM

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Hi Alexa, I have no comments on the North Pine Village (Parcel 2) Zone Change. - Erik

Erik Huffman, PE, PLS, CWRE, LEED AP  
BECON [www.beconeng.com](http://www.beconeng.com)  
549 SW Mill View Way, Suite 100  
Bend, OR 97702  
Office (541) 633-3140  
Direct (541) 668-6250  
Cell (503) 730-5274

**From:** [WILLIAMS Rick \\* Reg4](#)  
**To:** [Alexa Repko](#)  
**Cc:** [joe@transightconsulting.com](mailto:joe@transightconsulting.com); [MOREHOUSE Donald](#)  
**Subject:** 02ZC-22 North Pine Village ODOT TIA Comments.  
**Date:** Wednesday, August 10, 2022 3:02:07 PM

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Alexa,

Please find below ODOT's Development Review Team's comments on the North Pine Village TIA. Please let me know if you have any question and I can set up a time to discuss with our Traffic Engineering team.

Given the proposed roadway system is entirely local-serving, pass-by trips are not possible. Diverted trips can be identified, however.
Agreed that higher trip generating scenarios could be identified than what is shown in Table 4. Is the study proposing a 375 pm peak hour trip cap?
Agree with the assumption to send all project trips to the US 97/Rosland Road intersection.
Outbound trips look incorrect. I believe outbound trips at Intersection 5 should add up to -39. Also, outbound trips between intersections 1, 2, and 3 are not balanced.
Confirm date of counts is June 2019. Also, future year analyzed should be consistent with language in TPR (OAR 660-012-0060), which may not be the same future year studied in the Wickiup Junction Refinement Plan.

Best Regards,

Rick Williams  
Principal Planner  
ODOT Region 4