



Community Development Department

Planning Division Building Safety Division Environmental Soils Division

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STAFF REPORT

FILE NUMBER: 247-15-000436-TP

APPLICANT: SGS Development, LLC
c/o Craig Smith
62765 Powell Butte Highway
Bend, OR 97701

PROPERTY OWNER: PacWest Realty Group Inc.

REQUEST: An application for a Tentative Plat for a 13-lot subdivision within the Terrebonne Residential District.

HEARING DATE: Tuesday, October 13, 2015
6:30 P.M.
Deschutes Services Building
Barnes and Sawyer Rooms
1300 NW Wall Street
Bend, OR 97701

STAFF CONTACT: Paul Blikstad, Senior Planner

I. APPLICABLE CRITERIA:

- A. Title 18 of the Deschutes County Code
Chapter 18.66, Terrebonne Rural Community Zoning Districts
18.66.020, Residential (TeR) District
18.66.060, Standards for All Districts
18.66.070, Right-of-Way Development Standards
- B. Title 17 of the Deschutes County Code, Subdivisions:

Chapter 17.16, Approval of Subdivision Tentative Plans and Master Development Plans
Chapter 17.36, Design Standards
Chapter 17.44, Park Development
Chapter 17.48, Design and Construction Specifications.

II. FINDINGS OF FACT:

- A. **LOCATION:** The subject property has an assigned address of 9005 Barberry Drive, Terrebonne. It is identified on County Assessor's map no. 14-13-16BD, as tax lot 400.

- B. ZONING:** The subject property is zoned Terrebonne Residential District (TeR). It is designated Rural Community on the Comprehensive Plan Map.
- C. REQUEST:** The applicant is seeking approval of a tentative plat for a 13-lot subdivision on approximately 3.91 acres within the Terrebonne rural community. The proposed lots range in size from 7,538 to 14,307 square feet. The proposed development of the lots shown as 1 through 8 consist of duplex dwellings, and lots 9 through 13 are single-family dwellings. According to the Terrebonne Community Plan, the Terrebonne Estates subdivision is served by a community wastewater system. In order for this subdivision to be approved, connection to the existing system is required. The proposed subdivision is to be served for the water utility by the Terrebonne Domestic Water District.
- D. LOT OF RECORD:** The subject property is a legal lot of record, pursuant to being Lot 64 of Terrebonne Estates Phase 1B.
- E. SURROUNDING USES:** The subject property is located within the Terrebonne Rural Community, which includes single-family dwellings to the south, west and north, and commercial development to the east across Highway 97. Zoning in the area includes the Terrebonne commercial, residential, and residential 5-acre districts, as well as land zoned Exclusive Farm Use (EFU-TE). There is no EFU land immediately adjacent to the subject property.
- F. SITE DESCRIPTION:** The subject property is currently undeveloped and is accessed from Barberrry Drive within the Terrebonne Estates subdivision. The property is level and is bordered by Highway 97 on the east, Barberrry Drive on the southwest, and Boxwood Lane¹ and NW Lower Bridge Way to the north. The site has a few scattered juniper and deciduous trees.
- F. PROCEDURAL HISTORY:** The subject property was approved as Lot 64 of Terrebonne Estates Phase 1B (file no. TP-97-879). This lot was a remainder lot within the subdivision, intended for future development. It was formerly part of the Hillman town plat. A tentative plat for an 8-lot subdivision was approved under application no. TP-12-1019, which has expired.

This application was originally submitted on August 11, 2015. Staff sent the applicant an incomplete application letter on September 10, 2015, stating that a hearing officer deposit was required because this application would go before a County Hearings Officer. Under DCC 22.08.030, the applicant is required to submit the missing information within 180 days of the date of the County's letter. The applicant submitted the deposit fee on September 10, 2015, and the application was deemed complete on September 10, 2105. The 150th day upon which the County must make a decision on this application is February 7, 2016.

- G. PUBLIC AGENCY COMMENTS:** The Planning Division sent notice of the proposed subdivision to several agencies and received the following responses:

County Transportation Planner:

¹ The Boxwood Lane connection to Lower Bridge Way has been closed by ODOT, with an emergency gate blocking any access to Lower Bridge Way..

I have reviewed the transmittal materials for 247-15-000436-TP to create a 13-unit subdivision in the Terrebonne Residential (TeR) zone; the property has no assigned address² but is identified as 14-13-16BD, TL 400.

Staff agrees with the submitted traffic study's methodology and LOS conclusions.

Board Resolution 2013-020 sets a transportation system development charge (SDC) rate of \$3,852 per p.m. peak hour trip. County staff determined a local trip rate of 0.81 p.m. peak hour trips per single-family dwelling unit; therefore the applicable SDC is \$3,120 ($\$3,852 \times 0.81$) per home.

Redmond Fire Department:

The Fire Department submitted a 4-page list of fire code requirements, which are incorporated herein by reference, and should be included with the decision.

County Road Department:

Background Information:

- Monte Vista Lane will be constructed to the standards listed in DCC 17.48, Table "A" Terrebonne Unincorporated Community.
- Per Resolution 2009-118, the County is no longer accepting any new local roads created by new development into the County maintained system. Therefore, the applicant will have to record a maintenance agreement for the new road created by the application.

The applicant is to meet the following conditions if this land use application is approved:

1. All easements of record or existing rights of way shall be noted on the final mylar.
2. Road design and construction shall be in accordance with section 17.48 of the Deschutes County Code (DCC) and the standards listed in DCC 17.48, Table "A" Terrebonne Unincorporated Community for a local residential road.
3. Road intersections shall be designed to the standards shown on Standard Drawing 2-8, "T" Intersection Alignment Standard, Chapter 17.48, Standard Drawings.
4. Road construction plans shall be approved by the County Road Department prior to commencement of construction per DCC 17.48.060.
5. Roads shall be surveyed and staked in accordance with DCC 17.48.200.
6. The applicant shall be responsible for the construction and inspection of all road improvements required by this application. The applicant will provide a letter to the Road Department Director from a professional engineer certifying that the improvements were constructed in accordance with the improvement plans approved by the County consistent with ORS 92.097.
7. The applicant will be required to install all necessary signing for the subdivision.
8. The applicant shall record a Road Maintenance Agreement with the County Clerk outlining the maintenance responsibilities for Monte Vista Lane created as a result of this application. The agreement shall be reviewed and approved by the Road Department prior to recording.

² The property does have an assigned address of 9005 Barberry Drive, Terrebonne.

The Road Department sent the attached comments to staff and the applicant:

“The roads that are currently within the Terrebonne Estates subdivision are maintained by Deschutes County. These roads were created by the Terrebonne Estates subdivision, Phase 1A (2001) and Phase 1B (2003) and subsequently were established as County Roads. In 2006, the Board of County Commissioners signed Resolution No. 2006-049 declaring a suspension on the establishment on new County Roads. Section 3 of this Resolution stated, “That the County will not consider acceptance of any roads created by new development into the County maintained system until the Forest Safety-Net or similar funds have in the judgment of the Board been adequately restored.” In 2009, the Board signed Resolution No. 2009-118 which supersedes Resolution 2006-049. Section 3 of this Resolution states, “That the County will not accept any locals roads created by new development into the County maintained system until county road funds are deemed adequate in the judgment of the Board to meet the maintenance and preservation needs of the county road system.” This Resolution was the basis for my comment concerning the need for a Road Maintenance Agreement for your subdivision.”

County Property Address Coordinator:

Addresses to be assigned when tax lots are created.

Central Oregon Irrigation District:

The District does not have any facilities or water rights on 14-13-16BD, TL 400.

The following agencies did not respond to the request for comments: County Assessor, Central Electric Cooperative, Pacific Power and Light, Centurylink, Redmond School District, Oregon Department of Environmental Quality, Oregon Department of Transportation, Terrebonne Domestic Water District, Redmond Parks and Recreation District.

PUBLIC COMMENTS: Staff sent out notice of the proposed subdivision to the properties within 250 feet of the subject property’s boundaries. Three letters were received concerned with the following:

- Increase in traffic, noise and activity from the new lots, including the proposed duplex lots.
- Value of existing homes will be reduced.
- Sewer system is not able to handle the increase in volume.
- Closure of Barberry Drive to the highway causes an undue burden on Terrebonne Estates residents.
- Trespassing on TEHOA property.³

III. CONCLUSIONARY FINDINGS:

TITLE 18 OF THE DESCHUTES COUNTY CODE

Chapter 18.66, Terrebonne Rural Community Zoning Districts

³ The roads within the Terrebonne Estates are public roads, so there would be no “trespassing” on public roads.

1. Section 18.66.020, Residential (TeR) District

The Terrebonne Residential District allows a mixture of housing types and densities suited to the level of available water and sewer facilities. The purpose of this district is to allow new residential development that is compatible with the rural character of the area.

A. *Permitted uses. The following uses and their accessory uses are permitted outright and do not require site plan review:*

- 1. *Single-family dwelling or a manufactured home subject to DCC 18.116.070.***
- 2. *Two-family dwelling.*⁴**

FINDING: The proposed lots 1-8 will be for duplex (two-family) dwellings; lots 9-13 would be for single-family dwellings. Both types of dwellings would be allowed outright, and would be considered a mixture of housing types and densities. The applicant should be required to submit written verification from the Terrebonne Domestic Water District of the availability of water service and capacity from the District, as well as written verification from the Oregon Department of Environmental Quality of the private sewer system capacity for these addition 13 lots and up to 21 new dwelling units.

C. *Lot Requirements.*

1. *Partitions:*

c. *For parcels served by an approved community, municipal or public water and sewer system, the minimum parcel sizes shall be as follows:*

- i. *For a single-family dwelling, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 7,500 square feet.***
- ii. *For a two-family dwelling, the parcel shall have a minimum width of 75 feet and a minimum parcel size of 10,000 square feet.***

2. *Subdivisions:*

b. *For subdivisions involving only single-family and two family dwellings the standards set forth in DCC 18.66.020(C)(1) shall apply.*

FINDING: The proposed subdivision is to be served by the Terrebonne Domestic Water District and the community sewer system for Terrebonne Estates. The minimum lot size for the single-family dwelling lots is thus 7,500 square feet with a minimum width of 75 feet. The minimum lot size for the two-family dwelling lots is 10,000 square feet with a minimum width of 75 feet. The proposed single-family lots vary in size from 7,538 to 7,802 square feet and meet the minimum width of 75 feet standard above. The proposed two-family lots vary in size from 10,491 to 14,307 square feet and meet the minimum width of 75 feet.

⁴ Dwelling, two-family is defined under DCC 18.04.030 as a :building containing two dwelling units and designed for occupancy by two families.

D. Yard Standards.

- 1. Front Yard.** *The front yard shall be 20 feet for a property fronting on a local road right-of-way, 30 feet for a property fronting on a collector right-of-way and 80 feet for a property fronting on an arterial right-of-way.*
- 2. Side Yard.** *A side yard shall be a minimum of five feet and the sum of the two sides yards shall be a minimum of 15 feet, subject to DCC 18.66.020(D)(4).*
- 3. Rear Yard.** *The minimum rear yard shall be 20 feet, subject to DCC 18.66.020(D)(4).*
- 4. Exceptions to Yard Standards.** *Any new structure requiring a building permit on a lot or parcel contiguous to EFU-zoned land that is receiving special assessment for farm use shall be set back a minimum of 100 feet from the common property line.*
- 5. In addition to the setbacks set forth herein, any greater setbacks required by applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.**

FINDING: Lots 1-7 all have frontage on Highway 97, a designated arterial road, as well as frontage on the proposed Monte Vista Lane. No access from Highway 97 to these lots will be allowed. Lot 8 has frontage on Lower Bridge Way, Morning Glory Drive, and the proposed Monte Vista Lane. The minimum setback from the highway for lots 1-7 is 80 feet and the minimum setback from Monte Vista is 20 feet. The minimum setback from Lower Bridge Way for lot 8 is 30 feet, and the minimum setback from Monte Vista Lane is 20 feet. Staff has drawn in the required setbacks for the lots and the only lot that appears to have any constraints is Lot 8, as it pertains to meeting the minimum setbacks from Lower Bridge Way and Monte Vista Lane.⁵ None of the adjacent properties are zoned EFU, and “4” above therefore is not applicable to the proposed lots. Staff is not aware of any greater setbacks required by the applicable building or structural codes.

2. Section 18.66.060, Standards for All Districts

- A. Solar Setback.** *The setback from the north lot line shall meet the solar setback requirements in DCC 18.116.180.*
- B. Building Code Setbacks.** *In addition to the setbacks set forth herein, any greater setbacks required by the applicable building or structural codes adopted by the State of Oregon and/or the County under DCC 15.04 shall be met.*
- C. Off-Street Parking and Loading.** *Off-street parking and loading shall be provided subject to the provisions of DCC 18.116.*

⁵ Staff has estimated that the buildable area outside of the required setbacks for Lot 8 is approximately 2,112 square feet. This would mean individual units within the duplex of 1,056 square feet. It would be up to the applicant to design a duplex within the setbacks.

- D. Lot Coverage.** *Except where otherwise noted, the primary and accessory buildings located on any lot or parcel shall not cover more than 30 percent of the total lot or parcel.*
- E. Building Height.** *No building or structure shall be erected or enlarged to exceed 30 feet in height, except as allowed under DCC 18.120.040.*

FINDING: The solar setbacks will be checked at the time of building permit submittal once the lots are created. Any special building code setbacks will also be checked at the time of building permit submittal. Parking for the dwellings will be on the individual lots. The lot coverage and building height standards will be checked at the time of building permit submittal.

3. Section 18.66.070, Right-of-Way Development Standards

- A. Applicability.** *The standards in DCC 18.66.070 shall, in conjunction with the provisions of DCC 17.36, 17.40 and 17.48 relating to improvements in the right-of-way, apply to improvements in in the right-of-way required by land use permit approvals. Right-of-way improvements shall be those authorized by subdivision, partition, conditional use or site plan requirements, as applicable. The standards set forth in DCC 18.66.070 shall govern over any conflicting standards set forth in DCC Title 17.*

FINDING: Road improvements to the new road – Monte Visa Lane - will be required for the proposed subdivision. This road must be paved to County standards, and a Road Maintenance Agreement should also be required, as stated by the County Road Department.

- B. Road Access.** *For properties abutting Highway 97, when there is a choice to take access from a road other than Highway 97, no access shall be taken from Highway 97.*

FINDING: No access to Highway 97 is proposed for the subdivision.

- C. Roadways.** *Any roadway improvement shall conform to the applicable provisions of DCC Title 17, Table 18.66-A and the functional classification assigned to the road segment by the Comprehensive Plan for the Terrebonne Rural Community.*

FINDING: As indicated above, road improvements will be required for Monte Vista Lane in the proposed subdivision.

- D. Bikeways.** *Required bikeway improvements shall conform to the standards set forth in DCC 17.48.140 and applicable specifications of Table 18.66-A.*

FINDING: No bikeway improvements are required for the proposed subdivision.

- E. Sidewalks.**
 - 1. Sidewalks shall meet the standards set forth in DCC 17.48.140 and Table 18.66-A. Sidewalks are required only where specified in the Comprehensive Plan Map for Terrebonne, Map D3 “Planned Pedestrian Improvements.”**

2. ***Sidewalks may be constructed either at the time of development or may be deferred until later through formation of a local improvement district. Applicants electing to defer sidewalk construction shall be required as a condition of approval to submit and have recorded a waiver of remonstrance signed by the land owner waiving the land owner's rights to have any objection to LID formation counted against formation of the LID.***

FINDING: Staff notes that the comprehensive plan map listed above no longer is part of the plan. The Terrebonne Community Plan has replaced the prior section of the plan for Terrebonne. Sidewalks are not required for the proposed subdivision.

- F. ***Drainage. Drainage facilities shall be required if necessary to meet the standard of DCC 17.48.190. Where specified in Table 18.66-A, drainage shall be accomplished by swales constructed in accordance with the specifications set forth in Table 18.66-A and the drawing set forth in DCC 17.48.***

FINDING: Drainage is to be accomplished by sheet flow to soil and gravel areas within the subdivision. No change to the drainage system is proposed for the new lots.

TITLE 17 OF THE DESCHUTES COUNTY CODE:

Chapter 17.16, Approval of Subdivision Tentative Plans and Master Development Plans.

1. 17.16.100, Required findings for approval.

A tentative plan for a proposed subdivision shall not be approved unless the Planning Director or Hearings Body finds that the subdivision as proposed or modified will meet the requirements of this title and Titles 18 through 21 of this code, and is in compliance with the comprehensive plan. Such findings shall include, but not be limited to, the following:

- A. ***The subdivision contributes to orderly development and land use patterns in the area, and provides for the preservation of natural features and resources such as streams, lakes, natural vegetation, special terrain features, agricultural and forest lands and other natural resources.***

FINDING: Surrounding properties are all within the Terrebonne rural community, most of which are developed with single-family dwellings, or are undeveloped. The proposed subdivision will be an infill for Lot 64 of Terrebonne Estates. This platting will constitute orderly development, by having properties with single and two-family dwellings. The two-family dwellings would be a reasonable use adjacent to Highway 97, and serve as a buffer between single-family dwellings and the highway. The applicant is proposed to utilize the existing community sewer system and water system.

The property is generally level, so there will be virtually no impact on the topography or terrain. There are only widely scattered trees on the property. There are no streams, lakes, special terrain features, agricultural or forest lands, nor any natural resources on the property. The

proposed subdivision includes use of existing public roads and utility system consistent with County standards and policies, and which contributes to orderly development in the area.

B. *The subdivision will not create excessive demand on public facilities and services, and utilities required to serve the development.*

FINDING: As previously noted, the property will be connected to the Terrebonne Estates community sewer system and to the Terrebonne Domestic Water District. The applicant will be required to obtain written confirmation from these service providers that the utilities are in place and connections made to them, and that these systems can accommodate the new lots and residents. Staff believes that given the location adjacent to an existing subdivision and other residential areas developed with numerous homes, electric service is available and the 13-lot subdivision will not create excessive demand on the service. Phone service can be provided by cell phone companies.

The traffic report submitted by the applicant demonstrates that the increase in traffic created by the new residents, will also not create excessive demand on the existing road system. Fire protection is provided through Redmond Fire and Rescue, and police services are provided through the County Sheriff.

C. *The tentative plan for the proposed subdivision meets the requirements of Oregon Revised Statutes Section 92.090.*

FINDING: ORS 92.090 (1) requires that a new subdivision can only use the same name if it is a continuation of an existing subdivision, with a sequential numbering system, and must either be platted by the same party or have the consent of the previous party. As a condition of approval, the subdivision name proposed must be approved by the County Surveyor.

Subsection 2 requires that the streets and roads are laid out to conform with existing plats on adjoining property, that streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to such private roads and streets are set forth thereon. Staff finds that the proposed new road (Monte Vista Lane) must be dedicated to the public, and a Road Maintenance Agreement be submitted for approval by the County Road Department.

Subsections 3, 4 and 5 relate to final platting.

D. *For subdivision or portions thereof proposed within a Surface Mining Impact Area (SMIA) zone under DCC Title 18, the subdivision creates lots on which noise or dust sensitive uses can be sited consistent with the requirements of DCC 18.56, as amended, as demonstrated by the site plan and accompanying information required under DCC 17.16.030.*

FINDING: The subject property is not within a SMIA zone.

E. *The subdivision name has been approved by the County Surveyor.*

FINDING: As a condition of approval, the proposed subdivision name must be approved by the County Surveyor.

2. Section 17.16.105, Access to Subdivisions.

No proposed subdivision shall be approved unless it would be accessed by roads constructed to County standards and by roads accepted for maintenance responsibility by a unit of local or state government. This standard is met if the subdivision would have direct access to an improved collector or arterial, or in cases where the subdivision has no direct access to such a collector or arterial, by demonstrating that the road accessing the subdivision from a collector or arterial meets relevant County standards and has been accepted for maintenance purposes.

FINDING: Morning Glory Drive, Barberry Drive and Boxwood Lane (rural local classification for all three roads) are all paved roads, constructed to County standards, and accepted for maintenance by the County. The new road (Monte Vista Lane) will be required to have a Road Maintenance Agreement in place prior to final plat approval.

3. Section 17.16.115, Traffic Impact Studies.

C. Guidelines for Traffic Impact Studies

4. The following vehicle trip generation thresholds shall determine the level and scope of transportation analysis required for a new or expanded development.

b. Site Traffic Report (STR): If the development or change in use will cause the site to generate 50-200 daily trip ends, and less than 20 PM peak hour trips, a Site Traffic Report will be required.

F. Minimum Study Requirements for a Site Traffic Report (STR)

The minimum study requirements for a Site Traffic Report are:

- 1. A vicinity map showing the location of the project in relation to the transportation system of the area;**
- 2. Trip generation forecast using data from the most recent edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual unless more appropriate data is available and approved by the County Engineer;**
- 3. Trip distribution and assignment;**
- 4. Safety analysis of the site accesses, including sight distance and operation characteristics;**
- 5. Description of the proposed development and surrounding land uses;**

H. Operation And Safety Standards

The minimum operational and safety standards for use on Deschutes County's roads are:

- 1. The minimum level of service for intersections and roads, during the P.M. Peak Hour, shall be LOS "D" on existing facilities and LOS "C" on new facilities.**
- 2. The minimum sight distance for driveways and intersections is defined in ASSHTO's "GEOMETRIC DESIGN OF**

HIGHWAYS AND STREETS” and the AASHTO “Design Guidelines for Very-Low Volume Local Roads (< 400 ADT)”.

I. Mitigation

- 1. The applicant shall be responsible to mitigate any safety or capacity problems that are caused by their proposed development.**
- 2. At the County Engineer’s discretion, if there are pre-existing safety deficiencies and/or capacity failures at relevant intersections or road frontages within the impact analysis area, then no additional development shall be allowed until a solution that accounts for the proposed project’s additional impacts is funded or built.**

FINDINGS: The applicant hired a professional engineer to prepare a Site Traffic Report. The report shows that no mitigation is needed and that the area transportation system can handle the increase in traffic that will be created by platting the subject property as proposed in this application. The Deschutes County Transportation Planner concurs with the findings of this report.

B. Chapter 17.36, Design standards

1. Section 17.36.020, Streets

- A. The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system for all modes of transportation, including pedestrians, bicycles and automobiles, with intersection angles, grades, tangents and curves appropriate for the traffic to be carried, considering the terrain. The subdivision or partition shall provide for the continuation of the principal streets existing in the adjoining subdivision or partition or of their property projection when adjoining property which is not subdivided, and such streets shall be of a width not less than the minimum requirements for streets set forth in DCC 17.36.**

FINDING: A new street is being proposed for the subdivision. The existing streets have already been dedicated to the public, and have been accepted for maintenance by the County. The new road will provide access to both Morning Glory Drive and Barberry Drive. Morning Glory Drive connects with NW Lower Bridge Way. The road standards are in place to provide adequate facilities for automobiles, bicycles and pedestrians, and the new road must be constructed to the minimum standard in Table A. The new road will not provide access to any other properties.

- B. Streets in subdivisions shall be dedicated to the public, unless located in a destination resort, planned community or planned or cluster development, where roads can be privately owned. Planned developments shall include public streets where necessary to accommodate present and future through traffic.**
- C. Streets in partitions shall be dedicated to the public.**

FINDING: The existing streets in the subdivision are already dedicated to the public and improved to County standards. The new road (Monte Vista Lane) must also be dedicated to the public. This new road will require a Road Maintenance Agreement be established prior to final plat approval.

2. Section 17.36.040, Existing Streets

Whenever existing streets, adjacent to or within a tract, are of inadequate width to accommodate the increase in traffic expected from the subdivision or partition by the county roadway network plan, additional rights of way shall be provided at the time of the land division by the applicant. During consideration of the tentative plan for the subdivision or partition, the Planning Director or Hearings Body, together with the Public Works Director, shall determine whether improvements to existing streets adjacent to or within the tract, are required. If so determined, such improvements shall be required as a condition of approval for the tentative plan. Improvements to adjacent streets shall be required where traffic on such streets will be directly affected by the proposed subdivision or partition.

FINDING: The County Road Department did not identify the need for improvements to existing streets, and the County Transportation Planner found that the traffic report demonstrated that the existing streets can accommodate the increase in traffic anticipated by the new subdivision.

3. Section 17.36.050, Continuation of Streets

Subdivision or partition streets which constitute the continuation of streets in contiguous territory shall be aligned so that their centerlines coincide.

FINDING: The proposed subdivision will require that the new street – Monte Vista Lane, must coincide with the existing right of way for Barberry Drive.

4. Section 17.36.060, Minimum Right of Way and Roadway Width

The street right of way and roadway surfacing widths shall be in conformance with standards and specifications set forth in chapter 17.48 of this title. Where chapter 17.48 refers to street standards found in a zoning ordinance, the standards in the zoning ordinance shall prevail.

FINDING: As indicated above, the existing streets are already improved to County standards and have been accepted for maintenance by the County. The new road (Monte Vista Drive) must be constructed to the standards in Table A for the Terrebonne rural community.

5. Section 17.36.070, Future Resubdivision

Where a tract of land is divided into lots or parcels of an acre or more, the Hearings Body may require an arrangement of lots or parcels and streets such as to permit future resubdivision in conformity to the street requirements contained in this title.

FINDING: This criterion is not applicable because the applicant proposes to create 13 lots that are less than one acre in size. The tentative plat proposes 13 residential lots that are approximately 7,538 to 14,307 square feet in size.

6. Section 17.36.080, Future Extension of Streets

When necessary to give access to or permit a satisfactory future division of adjoining land, streets shall be extended to the boundary of the subdivision or partition.

FINDING: The tentative plat shows that one new street is proposed. The adjoining land is already divided into lots and parcels for residential development.

7. Section 17.36.100, Frontage Roads

If a land division abuts or contains an existing or proposed collector or arterial street, the Planning Director or Hearings Body may require frontage roads, reverse frontage lots or parcels with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or other treatment necessary for adequate protection of residential properties and to afford separation of through and local traffic. All frontage roads shall comply with the applicable standards of Table A of DCC Title 17, unless specifications included in a particular zone provide other standards applicable to frontage roads.

FINDING: The Deschutes County Road Department has not identified the need for a frontage road for this subdivision. No access to Highway 97 or NW Lower Bridge Way will be allowed for the proposed lots.

8. Section 17.36.110, Streets Adjacent to Railroads, Freeways and Parkways

When the area to be divided adjoins or contains a railroad, freeway or parkway, provision may be required for a street approximately parallel to and on each side of such right of way at a distance suitable for use of the land between the street and railroad, freeway or parkway. In the case of a railroad, there shall be a land strip of not less than 25 feet in width adjacent and along the railroad right of way and residential property. If the intervening property between such parallel streets and a freeway or a parkway is less than 80 feet in width, such intervening property shall be dedicated to park or thoroughfare use. The intersections of such parallel streets, where they intersect with streets that cross a railroad, shall be determined with due consideration at cross streets of a minimum distance required for approach grades to a future grade separation and right of way widths of the cross street.

FINDING: The area to be divided does not adjoin or contain a railroad, freeway, or parkway,

9. Section 17.36.120, Street Names

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street in a

nearby city or in the County. Street names and numbers shall conform to the established pattern in the County.

FINDING: The applicant is proposing a new street. The new street name will require approval from the County Property Address Coordinator.

10. Section 17.36.130, Sidewalks

- A. ***Within an urban growth boundary, sidewalks shall be installed on both sides of a public road or street any in any special pedestrian way within the subdivision or partition, and along any collectors and arterials improved in accordance with the subdivision or partition.***
- B. ***Within an urban area, sidewalks shall be required along frontage roads only on the side of the frontage road abutting the development.***
- C. ***Sidewalk requirements for areas outside of urban area are set forth in section 17.48.175. In the absence of a special requirement set forth by the Road Department Director under DCC 17.48.030, sidewalks and curbs are never required in rural areas outside unincorporated communities as that term is defined in Title 18.***

FINDING: These criteria are not applicable to the proposed development because the site is located outside of an acknowledged Urban Growth Boundary.

11. Section 17.36.140, Bicycle, Pedestrian and Transit Requirements

- A. ***Pedestrian and Bicycle Circulation within Subdivision.***
 - 1. ***The tentative plan for a proposed subdivision shall provide for bicycle and pedestrian routes, facilities and improvements within the subdivision and to nearby existing or planned neighborhood activity centers, such as schools, shopping areas and parks in a manner that will (a) minimize such interference from automobile traffic that would discourage pedestrian or cycle travel for short trips; (b) provide a direct route of travel between destinations within the subdivision and existing or planned neighborhood activity centers, and (c) otherwise meet the needs of cyclists and pedestrians, considering the destination and length of trip.***

FINDING: The proposed development is accessed via public roads to the proposed lots. Bicycle and pedestrian traffic will be accommodated on the existing roads. There are no existing or planned neighborhood activity centers nearby.

- 2. ***Subdivision layout.***
 - (a) ***Cul-de-sacs or dead-end streets shall be allowed only where, due to topographical or environmental constraints, the size and shape of the parcel, or a lack of through-street connections in the area, a street connection is determined by the Planning Director or Hearings Body to be infeasible or inappropriate. In such instances, where applicable and feasible, there shall be a bicycle and pedestrian connection***

connecting the ends of cul-de-sacs to streets or neighborhood activity centers on the opposite side of the block.

FINDING: This proposal includes a new road that will connect to both Barberry Drive and Morning Glory Drive. No cul-de-sac or dead-end street is being proposed.

- (b) *Bicycle and pedestrian connections between streets shall be provided at mid-block where the addition of a connection would reduce the walking or cycling distance to an existing or planned neighborhood activity center by 400 feet and by at least 50 percent over other available routes.***

FINDING: There are no existing or planned neighborhood activity centers in the vicinity of the proposed subdivision.

- (c) *Local roads shall align and connect with themselves across collectors and arterials. Connections to existing or planned streets and undeveloped properties shall be provided at no greater than 400 foot intervals.***
- (d) *Connections shall not be more than 400 feet long and shall be as straight as possible.***

FINDING: The new road will run between Morning Glory Drive and Barberry Drive. The new road will be a local road, with no connection to any undeveloped property.

12. Section 17.36.150 Blocks

- A. *General. The length, width and shape of blocks shall accommodate the need for adequate building size, street width, and direct travel routes for pedestrians and cyclists through the subdivision and to nearby neighborhood activity centers, and shall be compatible with the limitations of the topography.***
- B. *Within an urban growth boundary, no block shall be longer than 1,200 feet between street centerlines. In blocks over 800 feet in length, there shall be a cross connection consistent with the provisions of DCC 17.36.140.***

FINDING: These criteria do not apply because blocks are not proposed. The proposed subdivision is not within an urban growth boundary.

13. Section 17.36.160. Easements

- A. *Utility easements. Easements shall be provided along property lines when necessary for the placement of overhead or underground utilities, and to provide the subdivision or partition with electric power, communication facilities, street lighting, sewer lines, water lines, gas lines or drainage. Such easements shall be labeled "Public Utility Easement" on the tentative and final plat; they shall be at least 12 feet in width and centered on lot lines where possible, except utility pole guyline easements along the rear of lots or***

parcels adjacent to unsubdivided land may be reduced to 10 feet in width.

- B. Drainage. If a tract is traversed by a watercourse such as a drainageway, channel or stream, there shall be provided a stormwater easement or drainage right of way conforming substantially with the lines of the watercourse, or in such further width as will be adequate for the purpose. Streets or parkways parallel to major watercourses or drainageways may be required.***

FINDING: The utility companies did not indicate a need for any additional utility easements. A condition of approval will be included with the approval requiring any existing or necessary utility easement be included on the final plat. Criterion B is not applicable, as the tract is not traversed by a watercourse.

14. Section 17.36.170, Lots - Size and Shape

The size, width and orientation of lots or parcels shall be appropriate for the location of the land division and/or the type of development and use contemplated, and shall be consistent with the lot or parcel size provisions of Titles 18 through 21 of this code, with the following exceptions:

- A. In areas not to be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and the County Sanitarian, and shall be sufficient to permit adequate sewage disposal. Any problems posed by soil structure and water table and related to sewage disposal by septic tank shall be addressed and resolved in the applicant's initial plan.***

FINDING: The size, width, and orientation of lots are appropriate for the location of the subdivision in the Terrebonne Residential (TeR) zoning district. The proposed development creates 5 lots that are appropriate for development with single-family homes, and 8 lots that will be for two-family dwellings. The development complies with the lot size provisions of Title 18, the applicable title.

The applicant is proposing to connect to the Terrebonne Estates community sewer system. Verification from DEQ for connection to and service by the community sewer system will be required prior to final plat approval.

15. Section 17.36.180, Frontage

- A. Each lot or parcel shall abut upon a public road, or when located in a planned development or cluster development, a private road, for at least 50 feet, except for lots or parcels fronting on the bulb of a cul de sac, then the minimum frontage shall be 30 feet, and except for partitions off of U.S. Forest Service or Bureau of Land Management roads. Frontage for partitions off U.S. Forest Service or Bureau of Land Management roads shall be decided on a case by case basis based on the location of the property, the condition of the road, and the orientation of the proposed parcels, but shall be at least 20 feet.***

In the La Pine Neighborhood Planning Area Residential Center District, lot widths may be less than 50 feet in width, as specified in DCC 18.61, Table 2: La Pine Neighborhood Planning Area Zoning Standards. Road frontage standards in destination resorts shall be subject to review in the conceptual master plan.

B. All side lot lines shall be at right angles to street lines or radial to curved streets wherever practical.

FINDING: All of the proposed lots meet the above criterion with respect to lot frontage on a public road, provided Monte Vista Lane is dedicated as a public road on the final plat. All side lot lines are generally at right angles to street lines.

16. Section 17.36.190, Through Lots

Lots or parcels with double frontage should be avoided except where they are essential to provide separation of residential development from major street or adjacent nonresidential activities to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet in width and across which there shall be no right of access may be required along the lines of lots or parcels abutting such a traffic artery or other incompatible use.

FINDING: Ten of the proposed lots will have double frontage (Lots 1-8, 9 and 13). Given the location of the site adjacent to four streets, double frontage cannot be avoided in this instance.

17. Section 17.36.200, Corner Lots

Within an urban growth boundary, corner lots or parcels shall be a minimum of five feet more in width than other lots or parcels, and also shall have sufficient extra width to meet the additional side yard requirements of the zoning district in which they are located.

FINDING: This criterion is not applicable because the property is located outside of an urban growth boundary.

18. Section 17.36.210, Solar Access Performance

A. As much solar access as feasible shall be provided each lot or parcel in every new subdivision or partition, considering topography, development pattern and existing vegetation. The lot lines of lots or parcels, as far as feasible, shall be oriented to provide solar access at ground level at the southern building line two hours before and after the solar zenith from September 22nd to March 21st. If it is not feasible to provide solar access to the southern building line, then solar access, if feasible, shall be provided at 10 feet above ground level at the southern building line two hours before and after the solar zenith from September 22nd to March 21st, and three hours before and after the solar zenith from March 22nd to September 21st.

- B. This solar access shall be protected by solar height restrictions on burdened properties for the benefit of lots or parcels receiving the solar access.**
- C. If the solar access for any lot or parcel, either at the southern building line or at 10 feet above the southern building line, required by this performance standard is not feasible, supporting information must be filed with the application.**

FINDING: The proposed residential lot sizes will be adequate to maximize solar access for future dwellings on the lots. Compliance with solar setbacks will be determined at the building permit submittal. Staff notes that all 13 lots will have public right of way on the north side of the lots, and solar setbacks will not be an issue for development of the new lots.

19. Section 17.36.220, Underground Facilities

Within an urban growth boundary, all permanent utility services to lots or parcels in a subdivision or partition shall be provided from underground facilities; provided, however, the Hearings Body may allow overhead utilities if the surrounding area is already served by overhead utilities and the proposed subdivision or partition would create less than ten lots. The subdivision or partition shall be responsible for complying with requirements of this section and shall:

- A. Obtain a permit from the Department of Public Works for placement of all underground utilities.**
- B. Make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground utilities in accordance with the rules and regulations of the State Public Utility Commission.**
- C. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets to the extent practicable, and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.**

FINDING: These criteria are not applicable because the property is located outside of an urban growth boundary.

20. Section 17.36.230, Grading of Building Sites.

Grading of building sites shall conform to the following standards, unless physical conditions demonstrate the property of other standards:

- A. Cut slope ratios shall not exceed one foot vertically to one and one half feet horizontally.**
- B. Fill slope ratios shall not exceed one foot vertically to two feet horizontally.**
- C. The composition of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.**
- D. When filling or grading is contemplated by the subdivider, he shall submit plans showing existing and finished grades for the approval**

of the Community Development Director. In reviewing these plans, the Community Development Director shall consider the need for drainage and effect of filling on adjacent property. Grading shall be finished in such a manner as not to create steep banks or unsightly areas to adjacent property.

FINDING: The Applicant does not propose any building site grading, instead, building site grading, if necessary, will be accomplished with individual home construction.

21. Section 17.36.260, Fire Hazards

Whenever possible, a minimum of two points of access to the subdivision or partition shall be provided to provide assured access for emergency vehicles and ease resident evacuation.

FINDING: The proposed configuration includes the existing streets in the Terrebonne Estates subdivision. There is already an emergency gate at the intersection of Barberry Drive and Highway 97, which would provide the secondary access when necessary.

22. Section 17.36.280, Water and Sewer Lines.

Where required by the applicable zoning ordinance, water and sewer lines shall be constructed to County and city standards and specifications. Required water mains and service lines shall be installed prior to the curbing and paving of new streets in all new subdivisions or partitions.

FINDING: The water and sewer lines proposed for the subdivision must be constructed to the requirements and standards of the Terrebonne Domestic Water System and Oregon Department of Environmental Quality, respectively. This should be made a condition of approval.

23. Section 17.36.290, Individual Wells.

In any subdivision or partition where individual wells are proposed, the applicant shall provide documentation of the depth and quantity of potable water available from a minimum of two wells within one mile of the proposed land division. Notwithstanding DCC 17.36.300, individual wells for subdivisions are allowed when parcels are larger than 10 acres.

FINDING: Private individual wells are not proposed for the project. The applicant is proposing connection to the Terrebonne Domestic Water District. Verification from the district that all standards and requirements have been met for this connection shall be required prior to final plat approval.

24. Section 17.36.300, Public Water System

In any subdivision or partition where a public water system is required or proposed, plans for the water system shall be submitted and approved by the appropriate state or federal agency. A community water system shall be required where lot or parcel sizes are less than one acre or where potable water sources are at depths greater than 500 feet, excepting land

partitions. Except as provided for in DCC 17.24.120 and 17.24.130, a required water system shall be constructed and operational, with lines extended to the lot line of each and every lot depicted in the proposed subdivision or partition plat, prior to final approval.

FINDING: The applicant is proposing to connect to the Terrebonne Domestic Water System for the subdivision. Verification from the district that all standards have been met and connections to each lot have been installed, shall be required prior to final plat approval.

C. Chapter 17.44, Park Development

1. Section 17.44.010. Dedication of Land.

- A. For subdivisions or partitions inside an urban growth boundary, the developer shall set aside and dedicate to the public for park and recreation purposes not less than eight percent of the gross area of such development, if the land is suitable and adaptable for such purposes and is generally located in an area planned for parks.**
- B. For subdivisions or partitions outside of an urban growth boundary, the developer shall set aside a minimum area of the development equal to \$350 per dwelling unit within the development, if the land is suitable and adaptable for such purposes and is generally located in an area planned for parks.**
- C. For either DCC 17.44.010 (A) or (B), the developer shall either dedicate the land set aside to the public or develop and provide maintenance for the land set aside as a private park open to the public.**
- D. The Planning Director or Hearings Body shall determine whether or not such land is suitable for park purposes.**
- E. If the developer dedicates the land set aside in accordance with DCC 17.44.010 (A) or (B), any approval by the Planning Director or Hearings Body shall be subject to the condition that the County or appropriate park district accept the deed dedicating such land.**
- F. DCC 17.44.010 shall not apply to the subdivision or partition of lands located within the boundaries of a parks district with a permanent tax rate.**

FINDING: The subject property is located within the Redmond Area Parks District (formerly Central Oregon Park and Recreation District), and is not subject to the parks dedication.

2. Section 17.44.020. Fee in Lieu of Dedication.

- A. In the event there is no suitable park or recreation area or site in the proposed subdivision or partition, or adjacent thereto, then the developer shall, in lieu of setting aside land, pay into a park acquisition and development fund a sum of money equal to the fair market value of the land that would have been donated under DCC 17.44.010 above. For the purpose of determining the fair market value, the latest value of the land, unplatted and without improvements, as shown on the County Assessor's tax roll shall be**

used. The sum so contributed shall be deposited with the County Treasurer and be used for acquisition of suitable area for park and recreation purposes or for the development of recreation facilities. Such expenditures shall be made for neighborhood or community facilities at the discretion of the Board and/or applicable park district.

- B.** *DCC 17.44.020 shall not apply to subdivision or partition of lands located within the boundaries of a parks district with a permanent tax rate.*

FINDING: As discussed above, the subject property is located within the Redmond Area Parks District and is not subject to the parks fee or dedication.

D. Chapter 17.48, Design And Construction Specifications

1. Section 17.48.170, Road Development Requirements Partitions.

- A.** *Subdivision Standards. All roads in new subdivisions shall either be constructed to a standard acceptable for inclusion in the county maintained system or the subdivision shall be part of a special road district or a homeowners association in a planned unit development*
- B.** *Improvements of Public Rights of Way.*
 - 1. *The developer of a subdivision or partition will be required to improve all public ways that are adjacent or within the land development.*
 - 2. *All improvements within public rights of way shall conform to the improvement standards designated in DCC Title 17 for the applicable road classification, except where a zoning ordinance sets forth different standards for a particular zone.*
- C.** *Primary Access Roads. The primary access road for any new subdivision shall be improved to the applicable standard set forth in Table A. The applicable standard shall be determined with reference to the road's classification under the relevant transportation plan. For the purposes of DCC 17.48.160 a primary access road is a road leading to the subdivision from an existing paved county, city or state maintained road that provides the primary access to the subdivision from such a road.*
- D.** *Secondary Access Roads. When deemed necessary by the County Road Department or Community Development Department, a secondary access road shall be constructed to the subdivision. Construction shall be to the same standard used for roads within the subdivision.*
- E.** *Stubbed Roads. Any proposed road that terminates at a development boundary shall be constructed with a paved cul-de-sac bulb.*
- F.** *Cul-de-sacs. Cul-de-sacs shall have a length of less than 600 feet, unless a longer length is approved by the applicable fire protection district, and more than 100 feet from the center of the bulb to the intersection with the main road. The maximum grade on the bulb shall be four percent.*

- G. **Frontage Roads.** *Right of way widths shall be 40 feet when immediately adjacent to a main highway/arterial; 60 feet when the frontage road is separated from the highway or arterial by private land or as set forth for a particular zone in the zoning ordinance.*

FINDING: As indicated in foregoing findings, the applicant is proposing a new road for the subdivision. The existing roads are already constructed to County standards. Road improvements to the new road are necessary. Secondary access will be accommodated on Barberry Drive with the existing emergency gate.

2. Section 17.48.175, Road Development Requirements – Unincorporated Communities

A. **Standards**

- 2. *In the Terrebonne Rural Community, all improvements to public rights of way shall conform to the road development standards for Terrebonne in Table A of DCC Title 17, except for improvements to roads servicing parcels of 10 acres or greater created by a partition.*

- B. *All required road improvements shall be located on the applicant's side of the road, unless the subject property lies on both sides of the road.*

FINDING: As indicated in foregoing findings, the existing roads are all improved to County standards. Road improvements to the new road are required for this subdivision.

4. Section 17.48.210, Access.

- A. **Permit Required.** *Access onto public right-of-way or change in type of access shall require a permit. Permits are applied for at offices of the Community Development Department.*
- B. **Access Restrictions and Limitations.** *The creation of access onto arterials and collectors is prohibited unless there is no other possible means of accessing the parcel. In any event, residential access onto arterials and collectors shall not be permitted within 100 feet of an intersection or the maximum distance obtainable on the parcel, whichever is less.*
- C. **Commercial and Industrial Access.** *Requirements for commercial and industrial access will be determined by the Road Department Director in accordance with DCC 17.48.090. Safety improvements, including left turn lanes and traffic signals, may be required.*
- D. **Sight Distance.** *Access shall be denied at locations that do not meet AASHTO sight distance standards.*

FINDING: Access permits will be required at the time of building permit application.

IV. **CONCLUSIONS AND RECOMMENDATION:**

Based upon the preceding analysis, staff finds that the proposed subdivision can meet all applicable standards and criteria for approval, and recommends approval subject to the compliance with the following conditions.

1. Approval is based upon the submitted plan. Any substantial change to the plan shall require a new subdivision application.
2. The final plat shall be prepared in accordance with Title 17 of the Deschutes County Code, including all the necessary information as required by Section 17.24.060. The exact lot size for each lot shall be shown on the final plat.
3. The applicant shall meet the applicable requirements of Redmond Fire and Rescue for fire protection within the proposed subdivision. The applicant shall submit written verification from the Fire Department that all standards have been met, prior to final plat approval.
4. Taxes for the proposed subdivision shall be paid according to the requirements of ORS 92.095 prior to final approval. The final plat shall be signed by the County Assessor and County Tax Collector.
5. The applicant shall submit an updated Title Report for the property being platted to verify evidence of marketable title prior to final plat approval. All persons with an ownership interest in all properties shall sign the final plat.
6. The final plat shall include a statement of water rights as required by ORS 92.120.
7. All utilities shall be installed to each lot underground, or assurances provided to the satisfaction of the County prior to final plat approval.
8. The subdivision name shall require approval from the County Surveyor.
9. The applicant shall obtain written verification from the Oregon Department of Environmental that all requirements have been met for connection to the Terrebonne Estates community sewer system, prior to final plat approval.
10. The applicant shall obtain written verification from the Terrebonne Domestic Water District for connection to and installation of the connections to each lot within the subdivision, prior to final plat approval.
11. All easements of record or existing rights of way shall be noted on the final mylar.
12. Road design and construction shall be in accordance with section 17.48 of the Deschutes County Code (DCC) and the standards listed in DCC 17.48, Table "A" Terrebonne Unincorporated Community for a local residential road.
13. Road intersections shall be designed to the standards shown on Standard Drawing 2-8, "T" Intersection Alignment Standard, Chapter 17.48, Standard Drawings.
14. Road construction plans shall be approved by the County Road Department prior to commencement of construction per DCC 17.48.060.
15. Roads shall be surveyed and staked in accordance with DCC 17.48.200.

16. The applicant shall be responsible for the construction and inspection of all road improvements required by this application. The applicant will provide a letter to the Road Department Director from a professional engineer certifying that the improvements were constructed in accordance with the improvement plans approved by the County consistent with ORS 92.097.
17. The applicant will be required to install all necessary signage for the subdivision.
18. The applicant shall record a Road Maintenance Agreement with the County Clerk outlining the maintenance responsibilities for Monte Vista Lane created as a result of this application. The agreement shall be reviewed and approved by the Road Department prior to final plat approval.

VII. DURATION OF APPROVAL:

The applicant shall complete all conditions of approval and apply for final plat review with the Planning Division within two (2) years following the date this decision becomes final, or extend the approval according to the provisions of Title 22 of the County Code, or the approval shall be void.

This decision becomes final twelve (12) days after the date of mailing, unless appealed by a party of interest.

Dated this 25th day of September, 2015

Mailed this 25th day of September, 2015