



NOTICE OF LAND USE DECISION

The City of La Pine Community Development Department has approved the land use application described below:

- FILE NUMBER:** 07PA-24
- APPLICANT:** First Cabin Investments
723 NW Negus Pl
Redmond, OR 97756
- OWNER:** First Cabin Investments LLC
723 NW Negus Pl
Redmond, OR 97756
- LOCATION:** The subject property is located at 52510 Pine Drive, La Pine, Oregon 97739. The Tax Lot number is 1400 on Deschutes County Assessor's Map 21-10-36C.
- REQUEST:** The applicant is requesting to partition the subject property into three lots.
- STAFF CONTACT:** Rachel Vickers, Associate Planner
Email: rvickers@lapineoregon.gov
Phone: (541) 280-5680
- DECISION:** Approved, subject to the conditions of approval identified below.

I. APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA

- City of La Pine Development Code
 - Article 3. Zoning Districts
 - Section 15.18, Residential Zones
 - Article 9. Land Divisions
 - Section 15.402, General Provisions
 - Section 15.410, Land Partitions
 - Section 15.418, Processing and Recording Procedures
- Oregon Revised Statute
 - Chapter 92, Subdivisions and Partitions

CONDITIONS OF APPROVAL:

AT ALL TIMES

- A. Application Materials: This approval is based upon the application, site plan, specifications, and supporting documentation submitted by the applicant. Any substantial change in this approved use will require review through a new land use application.
- B. Additional Permit Requirements: The applicant shall obtain necessary permits from the City of La Pine, Deschutes County Building Department, Deschutes County Onsite Wastewater Department, and any other necessary State or Federal permits.
- C. Confirmation of Conditions: The applicant shall be responsible for confirming in detail how each specific condition of approval has been met if requested by City staff.
- D. Duties of Developer: Unless the applicant pays a fee in lieu, 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.
- E. 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.
- F. Stormwater: Prior to the issuance of building permits, the City must review and approve the drainage facilities on site for compliance with SPDC Section 15.90.040.
- G. Underground Utilities: All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- H. Utility Installation: 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.
- I. Grading, Cutting, and Filling: Grading, cutting and filling of building lots or sites shall conform to LPDC Section 15.92.010(F).
- J. Plan Review and Approval: Improvement work shall not be commenced until development 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.
- K. 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.
- L. 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.

- M.** As Built Plans: If needed, 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.
- N.** Bond or Other Performance Assurance: The developer shall file with the agreement, to ensure his/her full and faithful performance thereof, one of the following, pursuant to approval of the city attorney and city manager, and approval and acceptance by the city council:
1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the city attorney.
 2. A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
 3. Cash deposit.
 4. Such other security as may be approved and deemed necessary by the city council to adequately ensure completion of the required improvements.
- O.** Amount of Security Required: The assurance of full and faithful performance shall be for a sum approved by the city as sufficient to cover the cost of the improvements and repairs, including related engineering, inspection and other incidental expenses, plus an additional 20 percent for contingencies.
- P.** 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.
- Q.** Maintenance Surety Bond: ***Prior to sale and occupancy of any lot***, parcel or building unit erected upon a lot within a subdivision, partitioning, PUD or other development, and as a condition of acceptance of improvements, the city will require a one-year maintenance surety bond in an amount not to exceed 20 percent of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.

PRIOR TO FINAL PLAT APPROVAL

- R.** Pine Drive ROW Improvements: ***Prior to final plat approval***, applicant shall prepare and design engineered stamped construction plans to construct 29 foot wide asphalt pavement on Pine Drive (two 11 foot travel lanes and one 7 foot parallel parking lane) along the project frontage, 6 foot wide concrete sidewalk on Pine Drive project frontage, drainage swales on Pine Drive frontage, street trees at an average of 35 foot spacing, and water and sewer services to each of the three proposed parcels in accordance with City of La Pine standards. Construction plans shall be submitted to the City for review and approval. Final plans shall be submitted to the City with a signature line for City of La Pine Public Works Director.
- S.** Right of Way Dedication: ***Prior to final plat approval***, 7' right-of-way along the entirety of frontage of Pien Drive shall be dedicated to the public on the partition plat map.

- T. Fee In Lieu Option: **Prior to final plat approval**, at the discretion of the City, as an alternative to construction of roadway and sidewalk improvements, the applicant may pay a fee in lieu of construction in the amount equivalent to the cost of the improvements, the cost to be reviewed and approved by the City.
- U. Maintenance Bond: **At the completion of construction of required improvements**, the City will require a one-year maintenance surety bond for 10% of the value of all improvements, to guarantee maintenance and performance for a period of one year from the date of acceptance of the improvements.
- V. Performance Bond Construction: **Prior to final plat approval**, and only for those improvements which are to be constructed and not otherwise paid for separately by fee in lieu, the applicant shall provide the City with a performance bond of 120% of the cost of improvements prior to beginning construction. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff.
- W. Agreement for Improvements: **Prior to final plat approval**, 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.

WITHIN TWO YEARS OF THIS APPROVAL

- X. Final Map Requirements: Within two years of the approval of a partition, the partitioner shall have prepared and submitted to the city planning official a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval.
 - A. The final map shall provide a certificate for approval of the subject partition by the planning official. The final map shall also contain a certificate for execution by the county tax collector and a certificate for execution by the county assessor. The final map shall first be submitted to and approved by the county surveyor prior to obtaining the required signatures.
 - B. Upon approval, the petitioner shall file the original map with the county clerk, the true and exact copy with the county surveyor and copies of the recorded plat and a computer file of the plat with the city recorder, city planning official, or county surveyor. The county surveyor may request an additional number of copies required at the time of final plat review if deemed appropriate.
 - C. A final partition map prepared for this purpose shall comply with the recording requirements applicable to a final plat for a subdivision.

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

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at City Hall at 16345 Sixth Street, La Pine. Copies of these documents can also be provided at a reasonable cost from the City of La Pine. For more information or to request copies of these documents, contact rvickers@lapineoregon.gov.

This Notice was mailed pursuant to City of La Pine Development Code Part III, Article 7, Section 15.204.020(D).