



NOTICE OF LAND USE DECISION

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

DATE MAILED: September 19, 2024

FILE NUMBER: 05SPR-24

APPLICANT: Dickerhoof Properties
PO Box 1800
Corvallis, OR 97339

OWNER: Pinegreen LLC
PO Box 1800
Corvallis, OR 97339

LOCATION: The subject property is located at 51396 Hwy 97, La Pine, Oregon 97739. The Tax Lot number is 4301 on Deschutes County Assessor's Map 22-10-15AD.

REQUEST: The applicant is requesting site plan review to establish a Walgreens on the subject property.

STAFF CONTACT: Rachel Vickers, Associate Planner
Email: rvickers@lapineoregon.gov
Phone: (541) 280-5680

APPLICABLE STANDARDS, PROCEDURES, AND CRITERIA:

City of La Pine Development Code

Article 3. Zoning Districts

Section 15.22, Commercial and Mixed Use Zones

Article 5. Development Standards

Section 15.80, Development Standards, Generally

Section 15.82, Landscaping, Buffering and Fences

Section 15.86, Parking and Loading

Section 15.88, Access and Circulation

Section 15.94, Improvement Procedures and Guarantees

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. Maintenance and Plant Survival: **At all times** all landscaping approved or required as a part of a development plan shall be continuously maintained, including necessary watering, weeding, pruning and replacement of plant materials. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.
- E. Off Street Loading Frequency: **At all times** the subject property shall receive merchandise/materials on a truck with a 40-foot or longer wheelbase at a frequency of less than one vehicle per week.
- F. Lighting: **At all times**, all exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
- G. 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.
- H. Underground Utilities: All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- I. 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.
- J. Improvement 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.
- K. 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.**
- L. 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.**

PRIOR TO BUILDING PERMITS

- M. US 97 Driveway: **Prior to building permits**, the applicant shall submit a revised site plan that reflects a single outbound lane on the US 97 driveway. This change will not be considered a modification under LPDC Section 15.202.130 as the revision will not create a substantially new proposal.
- N. Window Transparency: **Prior to the issuance of building permits**, the applicant must confirm that all ground floor windows shall have a visible transmittance of 60 percent or higher.
- O. Stormwater: **Prior to the issuance of building permits**, the City must review and approve the drainage facilities on site for compliance with LPDC Section 15.90.040

PRIOR TO OCCUPANCY

- P. Backflow Device: The applicant will be required to install a backflow device within 3 feet of the meter.
- Q. Water Meter Abandonment: The water meter to the north will need to be abandoned by disconnecting at city water main.
- R. State Fire Marshall Comments: **Prior to occupancy**, the applicant shall confirm that all of the Deputy State Fire Marshalls requirements have been met.
- S. ODOT Approval: **Prior to occupancy**, the applicant shall confirm that they have received their approval from the Oregon Department of Transportation for an application to upgrade an existing state highway approach if needed.
- T. Plant Installation Standards: **Prior to occupancy** the applicant shall confirm that the following plant installation standards are met for all landscaping:
 1. Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.
 2. Trees shall be a minimum size of six feet in height and be fully branched at the time of planting.
 3. Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.
 4. Rows of plants should be staggered to provide for more effective coverage.
- U. Approach Permit: **Prior to occupancy**, the applicant must submit approved approach/driveway permits for each entrance to the site.
- V. Inadequate Street Improvement: **Prior to occupancy** the developer shall complete the public improvements required to have both Highway 97, Finley Butte Road, and Huntington Road needed to meet the standards of the La Pine Transportation System Plan. This may include but are not limited to:
 - Right of Way dedication to meet the standards for a 78-foot right of way for Huntington and Finley Butte
 - Installation of 6-foot-wide concrete sidewalks on Huntington and South Finley Butte
 - Installation of 8-foot-wide concrete sidewalks on Highway 97
 - Street trees at an average spacing of 35 feet on Huntington, Finley Butte, and Highway 97
 - Installation of a planter strip on Huntington, Finley Butte, and Highway 97
 - Asphalt paving to meet the requirements of the travel lanes, left turn lane, and bike lanes for Arterial streets

- W. Sewer Lateral Use: **Prior to occupancy**, the developer shall not make use of the sewer lateral until the City has completed the Industrial Park Lift Station Improvement Project.

PRIOR TO DEVELOPMENT/CONSTRUCTION

- X. Sewer and Water Plan Approval: **Prior to Construction** 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.
- Y. Plan Review and Approval: **Prior to Construction** improvement work shall not commence until a Pre-Construction meeting has been held with the City of La Pine Public Works Department.
- Z. Agreement for Improvements: **Prior to construction**, 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.
- AA. Bond or Other Performance Assurance: **Prior to development** 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.
- AB. 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.
- AC. 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.
- AD. Maintenance Surety Bond: **At the completion of the construction of the required 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.

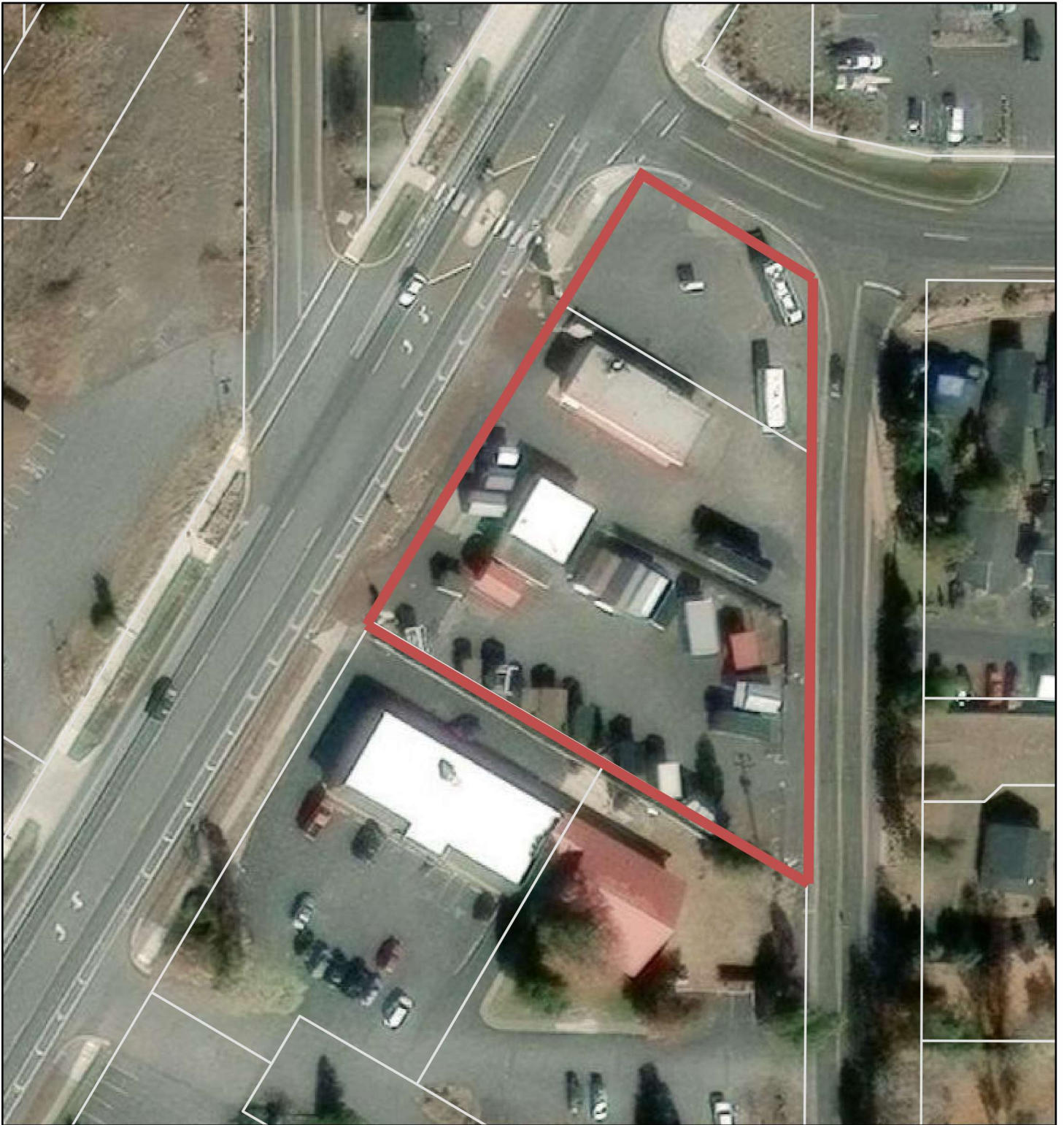
AE. Pre-Construction Meeting: *Prior to construction of the required public improvements*, the applicant shall have a Pre-Construction meeting with the City of La Pine Public Works Department.

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.

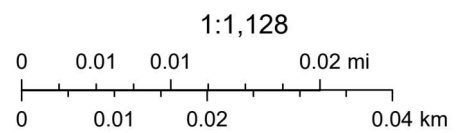
This Notice was mailed pursuant to City of La Pine Development Code Part III, Article 7, Section 15.204.020(D).

City of La Pine File 05SPR-24



6/13/2024, 7:53:29 AM

-  Override 1
-  Taxlots



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