



## NOTICE OF ADMINSTRATIVE LAND USE DECISION

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

- DATE MAILED:** February 19, 2025
- FILE NUMBER:** 08SPR-24
- APPLICANT:** Pinegreen LLC  
PO Box 1800  
Corvallis, OR 97330
- OWNER:** Pinegreen LLC  
PO Box 1800  
Corvallis, OR 97330
- LOCATION:** The subject property is located at 51425 Hwy 97, La Pine, Oregon 97739. The Tax Lot number is 4100 on Deschutes County Assessor’s Map 22-10-15AD.
- REQUEST:** The applicant is requesting Site Plan Review to construct a new coffee shop with a drive thru and related site improvements.
- STAFF CONTACT:** Brent Bybee, Community Development Director  
Email: [bbybee@lapineoregon.gov](mailto:bbybee@lapineoregon.gov)  
Phone: (541) 668-1135
- DECISION:** Approved, subject to the conditions of approval identified below.

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

#### PART III, CITY OF LA PINE DEVELOPMENT CODE

##### ARTICLE 3 - ZONING DISTRICTS

CHAPTER 15.22 – COMMERCIAL AND MIXED-USE ZONES

##### ARTICLE 4 - OVERLAY ZONES

CHAPTER 15.40. - DOWNTOWN OVERLAY ZONE

##### ARTICLE 5 - DEVELOPMENT STANDARDS

CHAPTER 15.80 – DEVELOPMENT STANDARDS, GENERALLY

CHAPTER 15.82. - LANDSCAPING, BUFFERING AND FENCES

CHAPTER 15.86. - PARKING AND LOADING

CHAPTER 15.88. - ACCESS AND CIRCULATION

CHAPTER 15.90. - PUBLIC FACILITIES

CHAPTER 15.94. - IMPROVEMENT PROCEDURES AND GUARANTEES

##### ARTICLE 6 - SPECIAL USE STANDARDS

CHAPTER 15.102. - SPECIAL USES - GENERAL PROVISIONS

CHAPTER 15.108. - SPECIAL USE STANDARDS - NON-RESIDENTIAL USES

**ARTICLE 8 - APPLICATIONS AND REVIEWS**

CHAPTER 15.312. - SITE PLAN REVIEW

**II. 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. Exterior Lighting: **At all times**, All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
- E. 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.
- F. Duties of Developer: **At all times**, 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.
- G. Underground Utilities: **At all times**, all new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- H. Improvement Inspection: **At all times**, 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.
- I. Default Status: **At all times**, if a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the city shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the city, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.

## PRIOR TO BUILDING PERMITS

- J. Property Line Adjustment Filing: **Prior to building permits**, the property owner shall finalize property line adjustment 10LLA-24, and meet the conditions of approval within that decision.
- K. ADA Compliance: **Prior to building permits**, the applicant must submit a revised site plan showing an Americans with Disabilities Act (ADA) parking sign for the ADA parking space, ADA accessible paths, and any directional striping or signage, including a directional sign to the drive-through access.
- L. Morson Street ROW Dedication: **Prior to building permits**, the applicant shall dedicate 11 feet along the Morson Street frontage to comply with the ROW requirements for a downtown arterial street per the Design Standards, II. Design Parameters, A. Street, 1. General.
- M. Street Improvement Design: **Prior to building permits**, the applicant shall provide a design for street improvements in public ROW that meets the requirements of the Design Standards, II. Design Parameters, A. Street.
- N. Stormwater: **Prior to building permits**, the applicant shall provide a design and calculations meeting the requirements of the Design Standards, II. Design Parameters, B. Stormwater for roadway improvements and site development. The stormwater runoff from the site must be retained on site.
- O. Sewer Connection and Septic Tanks: **Prior to building permits**, the applicant shall submit a new site plan that shows abandonment of the unused existing septic tank effluent gravity system and unused effluent line.
- P. Water Service Lines: **Prior to building permits**, the applicant shall submit a new site plan that shows the water service, meter box, and backflow prevention device on the Site Plan per the requirements of the Design Standards, II. Design Parameters, D. Water, d. Service Lines. The site plan shall also show abandonment of any unused water service lines.
- Q. Fire Hydrants: **Prior to building permits**, the applicant shall submit a new site plan that shows the location of the nearest fire hydrant(s).
- R. ODOT Permit: **Prior to building permits**, the applicant must provide an approved access permit for the proposed driveway on Highway 97 from the Oregon Department of Transportation.
- S. Deschutes County Access: **Prior to building permits**, the applicant must provide an approved access permit for the proposed driveway on Morson Street from Deschutes County.
- T. 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.
- U. Screening of mechanical equipment: **Prior to issuance of building permits**, if any form of mechanical equipment is proposed through the request, or added after land use approval has been granted, the developer shall submit updated plans demonstrating compliance with the standards of LPDC Sec. 15.40.090.C.
- V. Shared parking: **Prior to issuance of building permits**, the applicant shall provide proof that the right of joint use parking has been demonstrated by a recorded deed, lease, contract, or similar written instrument

establishing the joint use.

- W. Sewer and Water Plan Approval: **Prior to building permits**, development permits for sewer and water improvements shall not be issued until the public works department has approved all sanitary sewer and water plans in conformance with city standards.
- X. 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
- Y. Utilities: **Prior to building permits**, 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.

#### **PRIOR TO OCCUPANCY**

- Z. State Fire Marshall Comments: **Prior to occupancy**, the applicant shall confirm that all of the Deputy State Fire Marshalls requirements have been met.
- AA. Morson Street Driveway Entrance: **Prior to occupancy**, the applicant shall construct a concrete driveway apron 25 feet from the existing ROW centerline for Morson Street driveway access. Construct an asphalt taper from the concrete driveway apron to the existing pavement on Morson Street per the Design Standards, II. Design Parameters, A. Street, 19. Pavement Taper. The pavement section for the taper improvement is required to be constructed with 5 inches of asphalt concrete on 12 inches of base rock per the Design Standards, II. Design Parameters, A. Street, 17 Pavement Section, for arterial streets.
- BB. Joint Use Access Easement and Maintenance Agreement: **Prior to occupancy**, the property owners shall record an easement with the deed allowing joint use of and cross access between the adjacent property. 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.
- CC. Sewer Service: **Prior to Occupancy**, the applicant shall install sewer service to the applicable requirements of the Design Standards, II. Design Parameters, C. Sewer.
- DD. 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.
- EE. Approach Permit: **Prior to occupancy**, the applicant must submit approved approach/driveway permits for each entrance to the site.
- FF. ODOT Approval: **Prior to occupancy**, the applicant must submit ODOT approval for the proposed access on highway 97.

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

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

## **PRIOR TO DEVELOPMENT**

**II. ODOT Coordination: *Prior to development***, the applicant shall coordinate with the Oregon Department of Transportation regarding any additional requirements for Highway 97 frontage for the Highway 97 and Morson Street intersection.

**JJ. La Pine Fire Coordination: *Prior to development***, the applicant shall coordinate with the La Pine Rural Fire District to verify if any additional hydrants are required for the redevelopment of the site.

**KK. 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.

**LL. 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.

**MM. 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.

**NN. Amount of Security Required: *Prior to development***, 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.

**OO.Pre-Construction Meeting:** *Prior to the 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 12<sup>TH</sup> 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).



Brent Bybee  
Principal Planner

February 19, 2025

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Date

