



**AMENDED
NOTICE OF LAND USE DECISION**

The following decision has been amended. Removals are indicated by ~~strikethroughs~~ and additions underlined.

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

- DATE MAILED:** ~~December 26, 2024~~ January 6, 2025
- FILE NUMBER:** 11SPR-24
- LOCATION:** The subject property is located at 51385 Hwy 97, La Pine, Oregon 97739. The Tax Lot number is 701 on Deschutes County Assessor’s Map 22-10-15DA.
- REQUEST:** The request for approval of a new gas station with 12 fueling bays, and a new 3,000 square foot convenience store.
- ZONING:** Traditional Commercial Zone (C) and Downtown Overlay Zone.
- STAFF CONTACT:** ~~Rachel Vickers, Associate Planner~~ Brent Bybee, Community Development Director
Email: ~~rwickers@lapineoregon.gov~~ bbybee@lapineoregon.gov
Phone: (541) ~~280-5680~~ 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 15.82. - LANDSCAPING, BUFFERING AND FENCES
 - CHAPTER 15.86. - PARKING AND LOADING
 - CHAPTER 15.88. - ACCESS AND CIRCULATION
 - CHAPTER 15.90. - PUBLIC FACILITIES
 - CHAPTER 15.92. - ADDITIONAL STANDARDS FOR LAND DIVISIONS
 - CHAPTER 15.94. - IMPROVEMENT PROCEDURES AND GUARUNTEES
 - ARTICLE 6 - SPECIAL USE STANDARDS
 - CHAPTER 15.102. - SPECIAL USES - GENERAL PROVISIONS
 - CHAPTER 15.108. - SPECIAL USE STANDARDS - NON-RESIDENTIAL USES
 - ARTICLE 7 - PROCEDURES
 - CHAPTER 15.204. - APPLICATION PROCEDURES

ARTICLE 8 - APPLICATIONS AND REVIEWS
CHAPTER 15.312. - SITE PLAN REVIEW

II. CONDITIONS OF APPROVAL:

AT ALL TIMES

- A.** Exterior Lighting: All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
- B.** Mechanical Equipment: Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened from view from the right-of-way or civic space. Standpipes, meters, vaults, and similar equipment need not be screened but shall not be placed on a front elevation when other feasible alternatives exist; such equipment shall be placed on a side or rear elevation where feasible.
- C.** Plant material installation standards: the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section:
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.
- D.** Maintenance and Plant Survival: 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.** 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.
- F.** 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.
- G.** Utility Provider Coordination: The developer of a property is responsible for coordinating the development plan with the applicable utility providers and paying for the extension and installation of utilities not otherwise available to the subject property.

- H. Underground Utilities: All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- I. Utility Responsibility: **At all times**, 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. Storm Drains: Storm drains are not allowed to be connected to the sanitary sewer system. The stormwater runoff collected from under the fuel station canopy must be directed from the catch basins to the oil/water separator and then to the infiltration facility.
- K. Outdoor Merchandise Display: The outdoor display of merchandise for sale must be located behind building setback lines.

PRIOR TO BUILDING PERMITS

- L. 05PA-23: **Prior to building permits**, the applicant must complete all conditions of approval for 05PA-23 and record new deeds and submit a new partition map to the County.
- M. 11LLA-24: **Prior to building permits**, the applicant must complete all conditions of approval for 11LLA-24 and record new deeds and submit a new survey map to the County.
- N. 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 and ADA accessible paths.
- O. Stormwater Design: **Prior to building permits**, the applicant must 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.
- 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.
- Q. Sewer Connection and Septic Tanks: **Prior to building permits**, the applicant shall submit a new site plan that shows the sewer service connection from the relocated septic tank to the building.
- R. Fire Hydrants: **Prior to building permits**, the applicant shall submit a new site plan that shows the location of the nearest fire hydrant(s).
- S. Americans with Disabilities Act: **Prior to building permits**, the applicant shall confirm that the proposed parking meets applicable ADA requirements.

- T. Onsite Drainage: **Prior to building permits**, the applicant must provide confirmation that the onsite drainage is in compliance with the requirements of the Central Oregon Stormwater Manual.
- U. Window Transparency: **Prior to building permits**, the applicant must confirm that all ground floor windows shall have a visible transmittance of 60 percent or higher.
- V. 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.
- W. Hill Street Access: ~~**Prior to building permits**~~, the applicant must submit a revised site plan ~~that removes the access drive onto Hill Street.~~

PRIOR TO OCCUPANCY

- X. Sewer Service: **Prior to Occupancy**, the applicant shall install sewer service to the applicable requirements of the Design Standards, II. Design Parameters, C. Sewer.
- Y. ODOT Approval: **Prior to occupancy**, the applicant must submit ODOT approval for the proposed access on highway 97.
- Z. Hill Street Access: **Prior to occupancy**, the developer shall submit construction plans for the proposed Hill Street improvements from Morson Street to the subject property, in conformance with the local street standards identified within the adopted transportation system plan, and with any other design standards set forth by the City. Plans shall be approved by the City prior to construction of Hill Street, and as built plans shall be provided to the city for final approval and inspection. Once Hill Street has been constructed and has received final approval, the applicant must provide an approved access permit for the proposed driveway onto Hill Street from the City of La Pine.

PRIOR TO CONSTRUCTION/DEVELOPMENT

- ZAA. 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.
- AAB. 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.
- ABC. 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.

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).