



NOTICE OF ADMINISTRATIVE LAND USE DECISION

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

DATE MAILED:	March 13, 2025
FILE NUMBER:	12SPR-24/02CU-24
LOCATION:	The subject property is located at 52390 Huntington Road, La Pine, Oregon 97739. The Tax Lot number is 500 on Deschutes County Assessor's Map 22-10-02AB.
REQUEST:	The applicant is requesting Site Plan Review to construct a new gas station with one 3,728 fuel canopy and 7 fuel dispensers, a 4,238 square foot convenience store, and a 1,000 square foot quick service restaurant.
ZONING:	Commercial Mixed Use Zone (CMX)
STAFF CONTACT:	Brent Bybee, Community Development Director Email: 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 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 7 - PROCEDURES

CHAPTER 15.202. - SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS

CHAPTER 15.204. - APPLICATION PROCEDURES

ARTICLE 8 - APPLICATIONS AND REVIEWS

CHAPTER 15.312. - SITE PLAN REVIEW

CHAPTER 15.316. - CONDITIONAL USES

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. Outdoor Merchandise Display: **At all times**, the outdoor display of merchandise for sale must be located behind building setback lines.
- E. Exterior Lighting: **At all times**, all exterior lighting shall be hooded and shielded, pointing downward, so as not to shine onto or create a nuisance for adjacent properties.
- F. 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.
- G. Fencing: **At all times**, all fences and walls constructed or maintained on the subject property shall comply with Section 15.82.020 of the Development Code, including but not limited to requirements for materials, maintenance, height, and clear vision areas. The property owner shall ensure no fence, wall, or sign extends into the public right-of-way and is responsible for verifying property boundaries prior to installation.
- H. 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.
- I. 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.
- J. 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.
- K. Revision of Plans: **At all times**, construction documents shall conform to all aspects of the approved

design review plan. Where circumstances, unknown or unforeseen at the time the plans are approved, make it undesirable or unfeasible to comply with some particular aspect of the approved plan, the applicant shall request in writing that the city review needed and/or proposed modifications. The review authority that originally approved the plans shall review the proposed modifications to determine whether they constitute a major or minor revision of the approved plans in accordance with LPDC 15.312.080.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- L. 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.
- M. Public Improvement Plans: ***Prior to building permits***, the applicant shall provide a design for culverts, drain infiltration swales, asphalt driveways, and asphalt path improvements in public right-of-way meeting the requirements of the Design Standards, II. Design Parameters, and III. Drawings. Plans shall be reviewed and approved by the city.
- N. 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. 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 swale.
- O. Septic System Abandonment: ***Prior to building permits***, the applicant shall abandon the 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.
- Q. Water Line Abandonment: ***Prior to building permits***, the applicant shall show abandonment of any unused water service lines on the site plan.
- R. Fire Hydrants: ***Prior to building permits***, the applicant shall coordinate with the La Pine Rural Fire District to verify if any additional fire hydrants are required for the redevelopment of the site, and identify them on the site plan.
- S. Design Standards: ***Prior to building permits***, any road improvements shall be designed in accordance with Deschutes County Road Department roadway design standards, including required taper lengths, storage lengths, and appropriate striping per the ASSHTO Geometric Design of Highways and Streets. All pavement markings and signage associated with the road improvements shall comply with the Manual for Uniform Traffic Control(MUTCD) standards.
- T. Financial Responsibility: ***Prior to building permits***, all costs associated with the design, permitting, and construction of the required road improvements shall be the responsibility of the applicant/developer. The applicant shall provide a performance guarantee or bond to ensure completion of the road improvements to the City of La Pine.
- U. Parking Stall Length: ***Prior to building permits***, the applicant shall submit a revised site plan

demonstrating the all proposed parking stalls will be 9 feet wide and 20 feet in length.

- V. Americans with Disabilities Act: **Prior to building permits**, the applicant shall confirm that the proposed parking meets applicable ADA requirements.
- W. Bicycle Parking: **Prior to building permits**, the applicant shall submit a revised site plan demonstrating the placement of 4 bicycle parking spaces, in accordance with the standards of LPDC Sec 15.86.050.
- X. Pedestrian Access and Circulation: **Prior to building permits**, the applicant shall submit an amended site plan demonstrating compliance with LPDC Sec. 15.88.050.
- Y. Sewer and Water Plan Approval: **Prior to building permits**, 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.
- Z. Onsite Drainage: **Prior to the building permits**, the applicant must provide confirmation that the onsite drainage is in compliance with the requirements of the Central Oregon Stormwater Manual.
- AA. Public Improvement Widths: **Prior to building permits**, the applicant shall provide an updated site plan demonstrating compliance with the arterial design standards set forth in the TSP. For the right away along the edge of the subject property to the centerline of Huntington Road and Burgess Road, the asphalt walkway shall be 6 feet in width, the infiltration swales shall be 8 feet in width, the bike lanes shall be 6 feet in width, and both Burgess Road and Huntington Road shall be wide enough to accommodate the 12 foot travel lane and remaining 7 feet of the left turn lane to the center line. Any changes to the road requiring widening and restriping shall be done so at the expense of the developer.
- BB. Plan Review and Approval: **Prior to building permits**, improvement work shall not commence until a Pre-Construction meeting has been held with the City of La Pine Public Works Department and Deschutes County Road Department.
- CC. Agreement for Improvements: **Prior to building permits**, 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.
- DD. Bond or Other Performance Assurance: **Prior to building permits**, 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.
- EE. Amount of Security Required: *Prior to building permits*,** 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.
- FF. Performance Guarantee: *Prior to building permits*,** the applicant shall provide a bond issued by a surety authorized to do business in the State of Oregon, irrevocable letter of credit from a surety or financial institution acceptable to the city, cash, or other form of security acceptable to the city, providing a performance guarantee for the required public infrastructure improvements. However, the infrastructure improvements must be complete and accepted by the city prior to the issuance of a certificate of occupancy.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY

- GG. Sewer Service: *Prior to Occupancy*,** the applicant shall install sewer service to the applicable requirements of the Design Standards, II. Design Parameters, C. Sewer.
- HH. Huntington Left-Turn Lane: *Prior to occupancy*,** the applicant shall construct a dedicated left turn lane on Huntington Rd at the proposed approach to mitigate traffic impacts associated with the development. The applicant is responsible for any necessary road widening to meet Deschutes County Road Standards and City of La Pine Standards for arterials within the La Pine TSP.
- II. Burgess Approach Turning Movement Restrictions: *Prior to occupancy*,** the proposed Burgess Rd approach shall be limited to right-in, right-out movements through the installation of either:
- a. A concrete median or raised median curb on Burgess Rd to physically prevent left-turn movements into or out of the subject property, or
 - b. A channelized right-out only exit, designed to geometrically restrict the approach to right-out turn movements.

The applicant shall be responsible for any necessary road widening to meet Deschutes County Road Standards and City of La Pine Standards to accommodate the selected access control measure, and to match the arterial requirements within the La Pine TSP.

- JJ. Frontage Improvements: *Prior to occupancy*,** the applicant shall provide sidewalk and pedestrian infrastructure improvements in compliance with current Public Right-of Way Accessibility Guidelines (PROWAG) and City of La Pine and Deschutes County Road Standards. All new pedestrian facilities shall be designed and constructed to properly interface with the existing pedestrian push buttons at the southeast corner of Huntington Rd and Burgess Rd in accordance with PROWAG. Drainage improvement for Huntington and Burgess road shall be provided in accordance with City of La Pine and Deschutes County Road Standards and the current Central Oregon Stormwater Manual (COSM).
- KK. Construction: *Prior to occupancy*,** the applicant shall provide all necessary traffic control measures during construction on Huntington Road in compliance with the MUTCD or Oregon Temporary Traffic Control Handbook(OTTCH). All construction activities performed within the County Road Right-of-Way shall be in accordance with the Oregon Standards for Construction. The applicant shall coordinate with

the Deschutes County Road Department and the City of La Pine for a final inspection to verify compliance with the approved plans.

- LL. State Fire Marshall Comments: *Prior to occupancy***, the applicant shall confirm that all of the Deputy State Fire Marshalls requirements have been met.
- MM. Plant material installation standards: *Prior to occupancy***, 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.
- NN. Duties of Developer: *Prior to occupancy***, 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.
- OO. Right Of Way Dedication: *Prior to Occupancy***, the applicant will be required to dedicate right of way along the entire property frontage of Huntington Road and Burgess Road, meeting the Arterial right of way width standards identified in the La Pine Transportation System Plan. The dedication will need to be reflected in a new deed that is recorded with Deschutes County.
- PP. Utility Provider Coordination: *Prior to occupancy***, 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.
- QQ. Underground Utilities: *Prior to occupancy***, all new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- RR. Non-Remonstrance Agreement: *Prior to occupancy***, the applicant shall sign and file a non-remonstrance agreement for a future local improvement district (LID) to improve Huntington Road and Burgess Road.
- SS. Street Trees: *Prior to occupancy***, the developer shall install street trees, at a 35 foot average spacing. Street trees shall conform to the clear vision requirements of LPDC Sec. 15.88.040, at both the intersection of Huntington/Burgess Roads, and the two proposed access points.
- TT. 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.***
- UU. 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.***

VV. 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.

WW. Landscaping and other improvement performance assurance: *Prior to occupancy*, all landscaping and other site improvements shall be installed. This requirement may be waived if the property owner and/or applicant submits a performance assurance device that is approved by the city committing the installation of landscaping and other site improvements within one year.

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 bbyebee@lapineoregon.gov.

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



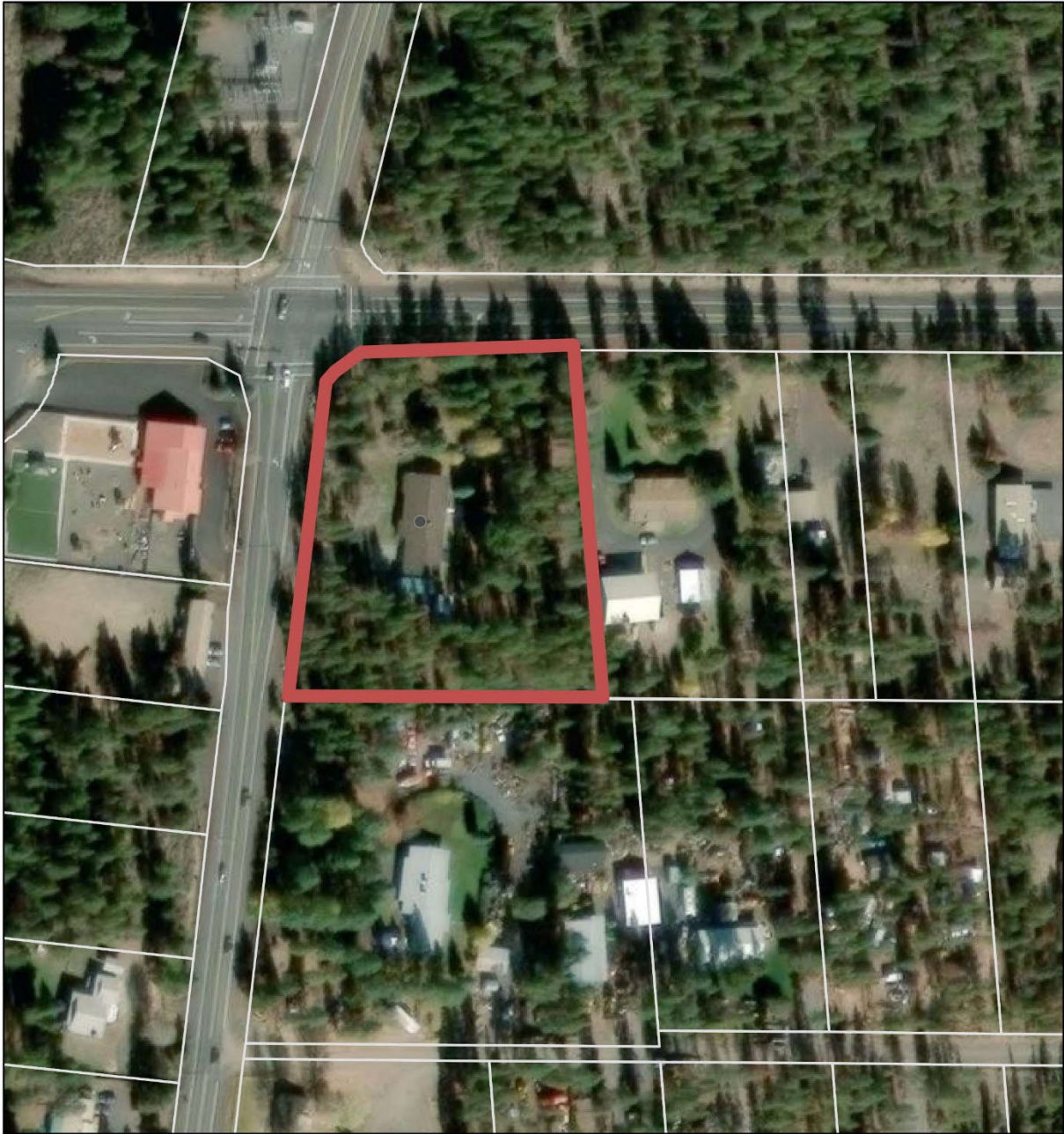
Brent Bybee
Community Development Director

March 13, 2025

Date

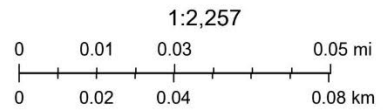
LOCATION MAP

City of La Pine File 12SPR-24



12/17/2024, 9:45:09 AM

- Override 1
- Taxlots



Maxar, Microsoft