



NOTICE OF ADMINISTRATIVE LAND USE DECISION

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

- DATE MAILED:** January 10, 2023
- FILE NUMBER:** 05SPR-23
- APPLICANT:** William and Foss LLC
PO Box 449
Lincoln City, OR 97367
- OWNER:** William and Foss LLC
PO Box 449
Lincoln City, OR 97367
- LOCATION:** The subject property is located at 16545 William Foss Road, La Pine, Oregon 97739. The Tax Lot number is 700 on Deschutes County Assessor's Map 22-10-14BD.
- REQUEST:** The applicant is requesting Site Plan Review to establish a new 18-unit, 3-story apartment building and associated improvements.
- STAFF CONTACT:** Rachel Vickers, Associate Planner
Email: rvickers@lapineoregon.gov
Phone: (541) 280-5680
- DECISION:** Approved, subject to the conditions of approval identified below.

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. Exterior Lighting: All exterior lighting shall be so placed and shielded so as not to create a nuisance for adjacent properties.
- E. 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.
- F. Fence Maintenance: Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning, missing sections, broken supports, non-uniform height, and uncontrolled growth of vegetation.
- G. Evans Way Crosswalk: Where the new walkway on Evans Way crosses the new driveway, the crosswalk shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.
- H. Walkway Construction: Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other city-approved durable surface meeting ADA requirements. Walkways shall be not less than four feet in width, except that the city may require five-foot wide, or wider, sidewalks in developments where pedestrian traffic warrants walkways wider than four feet.
- I. 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.
- J. 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.
- K. Utilities: 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.

- L. Underground Utilities: All new electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.
- M. 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.
- N. Plan Review and Approval: Improvement work shall not be commenced until plans therefor 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.
- O. 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.
- P. Landscaping Buffer: A screen planting or other approved landscaped planter strip is required between the parking area and the residentially zoned property to the south.
- Q. 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.
- R. Underground 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.
- S. 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.
- T. Bond or Other Performance Assurance: 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.
- U. 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.

- V. 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.
- W. 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.
- X. Performance Delay: In no case shall the performance be delayed beyond the one-year period for more than six months unless approved otherwise by the city.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- Y. Construction Plans: Upon land use approval or building permit application, construction plans that include all proposed and/or required public improvements, water/sewer service connections, site grading/drainage and utilities shall be submitted to the City for review and approval, prior to construction. The stormwater drainage design shall comply with Central Oregon Stormwater Manual and shall include calculations to support the design.
- Z. Fence Material: ***Prior to the issuance of building permits***, the applicant must provide City staff with information on the type of fencing materials that will be installed.
- AA. Bicycle Rack Design: ***Prior to the issuance of building permits***, the applicant must demonstrate how bicycle parking meets the following standards. Bicycle parking shall consist of staple-design steel racks or other city-approved racks, lockers, or storage lids providing a safe and secure means of storing a bicycle. At a minimum, bicycle parking facilities shall be consistent with the following design guidelines:
 1. All bicycle parking shall be within 100 feet from a building entrance and located within a well-lit and clearly visible area;
 2. Bicycle parking shall be convenient and easy to find. Where necessary, a sign shall be used to direct users to the parking facility;
 3. Each bicycle parking space shall be at least two feet by six feet with a vertical clearance of six feet;
 4. An access aisle of at least five feet shall be provided in each bicycle parking facility;
 5. Bicycle parking facilities shall offer security in the form of either a lockable enclosure in which the bicycle can be stored or a stationary object, i.e., a "rack," upon which the bicycle can be locked. Structures that require a user-supplied lock shall accommodate both cables and U-shaped locks and shall permit the frame and both wheels to be secured (removing the front wheel may be necessary). Note: businesses may provide long-term, employee parking by allowing access to a secure room within a building.
- AB. Evans Way Access: ***Prior to the issuance of building permits***, the applicant must obtain an approved approach permit for access on Evans Way.
- AC. Stormwater: ***Prior to the issuance of building permits***, the City Engineer must review and approve the drainage facilities on site for compliance with LPDC Section 15.90.040.

AD. Agreement for Improvements: Prior to development, 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.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY

AE. Plant Material Installation Standards: **Prior to occupancy**, the developer shall confirm the following landscaping standards are met:

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.

AF. William Foss Dedication: **Prior to occupancy**, the developer shall dedicate 8 feet of public right of way along the William Foss Rd project frontage. The right of way may be dedicated on the final plat.

AG. William Foss Drainage Swale: **Prior to occupancy**, the developer shall construct, drainage swale, and 6' wide concrete sidewalk along the property frontage, with the back of sidewalk located along the right of way dedication line.

AH. William Foss Curb: The developer shall construct new ADA curb ramps at the southeast corner of the intersection of William Foss Rd and Evans Way.

AI. William Foss Trees: **Prior to occupancy**, the developer shall install a minimum of nine street trees along the William Foss Rd frontage between the pavement edge and sidewalk.

AJ. Evans Way Dedication: **Prior to occupancy**, the developer shall dedicate 2 feet of public right of way along the Evans Way project frontage. The right of way may be dedicated on the final plat.

AK. Evans Way Drainage Swale: **Prior to occupancy**, the developer shall construct, drainage swale, and 6' wide concrete sidewalk along the property frontage, with the back of sidewalk located along the right of way dedication line.

AL. Evans Way Street Trees: **Prior to occupancy**, the developer shall install a minimum of three street trees along the Evans Way frontage between the pavement edge and sidewalk.

AM. Water Service Removal: **Prior to occupancy**, the developer shall remove the existing water service in accordance with City of La Pine and Deschutes County standards.

AO. Water Service: **Prior to occupancy**, the developer shall install a new water service and backflow device to serve the proposed development. The water service shall be sized in accordance with Oregon plumbing code for the number of fixture units in the development.

- AP.** Fire Service Line: ***Prior to occupancy***, the developer shall install the proposed fire service line in accordance with City of La Pine and Deschutes County standards. A gate valve shall be placed at the right of way dedication line.
- AQ.** Sewer Lateral: ***Prior to occupancy***, the developer shall install a new 6" sewer lateral to serve the project in accordance with City of La Pine and Deschutes County standards.
- AR.** Septic Tank: ***Prior to occupancy***, the developer shall install a septic tank providing capacity for twice the average daily flow and in accordance with City of La Pine standards.
- AS.** Public Facilities: ***Prior to the issuance of certificate of occupancy***, the developer shall prove adequate public facilities and utilities are available.
- AT.** Landscaping Assurance: Landscaping and other site improvements required pursuant to an approved design review plan shall be installed prior to the issuance of a certificate of occupancy or final inspection, unless 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.

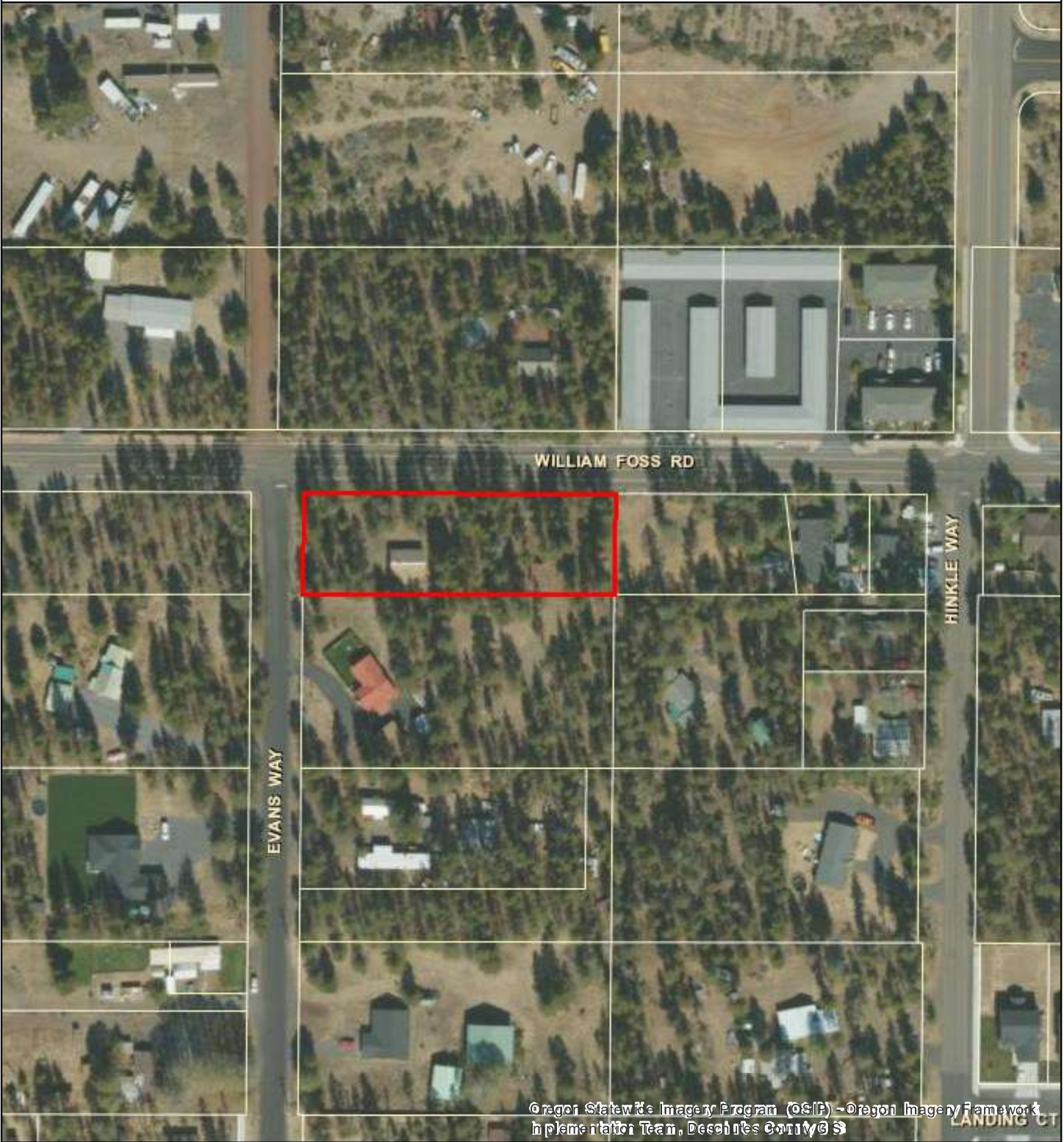
THIS DECISION BECOMES FINAL TWELVE (12) DAYS AFTER THE DATE MAILED, UNLESS APPEALED BY THE APPLICANT OR A PARTY OF INTEREST IN ACCORDANCE WITH ARTICLE 7, CHAPTER 15.212 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE. PURSUANT TO ARTICLE 7, CHAPTER 15.212 OF THE CITY OF LA PINE LAND DEVELOPMENT CODE, APPEALS 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 rvickers@lapineoregon.gov.

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

Planning File 05SPR-23

16545 WM FOSS RD, LA PINE, OR 97739



Date: 10/5/2023

