

## **NOTICE OF ADMINSTRATIVE LAND USE DECISION**

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

**DATE MAILED:** August 20, 2025

**FILE NUMBER:** PA-25-0001

**LOCATION:** The subject property does not have a site address. It is located at the corner of the intersection of Burgess Road and Pine Drive in La Pine, Oregon. The Tax Lot number is 2501 on Deschutes County Assessor's Map 21-10-36C0.

**REQUEST:** The request for approval of a three-parcel partition.

**ZONING:** Residential Single-Family Zone (RSF)

**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 2 – DEFINITIONS AND USE CATEGORIES**

##### **CHAPTER 15.12. – DEFINITIONS**

#### **ARTICLE 3 – ZONING DISTRICTS**

##### **CHAPTER 15.18. - RESIDENTIAL ZONES**

#### **ARTICLE 5 – DEVELOPMENT STANDARDS**

##### **CHAPTER 15.80 – DEVELOPMENT STANDARDS, GENERALLY**

##### **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 GUARANTEES**

#### **ARTICLE 7 - PROCEDURES**

##### **CHAPTER 15.202. - SUMMARY OF APPLICATION TYPES AND GENERAL PROVISIONS**

##### **CHAPTER 15.204. - APPLICATION PROCEDURES**

#### **ARTICLE 9 – LAND DIVISIONS**

##### **CHAPTER 15.402. – GENERAL PROVISIONS**

##### **CHAPTER 15.410. – LAND PARTITIONS**

##### **CHAPTER 15.418. – PROCESSING AND RECORDING PROCEDURES**

## II. CONDITIONS OF APPROVAL:

### AT ALL TIMES

1. 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.
2. 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.
3. 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.
4. Metal Shipping Containers: **At all times**, in residential zones, no metal shipping containers shall be utilized as a dwelling at any time, or as storage structures for greater than 30 days.
5. Clear Vision Area: **At all times**, a clear vision area shall be maintained on the corners of all properties at the relevant intersections and must meet the requirements of LPDC Section 15.88.040.
6. Underground Utilities: **At all times**, all new electrical, telephone, or other utility lines shall be underground unless otherwise approved by the City.
7. Grading, Cutting, and Filling: **At all times**, when occurring, grading, cutting, and filling of building lots or sites shall conform to all requirements in LPDC Section 15.92.010(F).
8. 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 CONSTRUCTION OF PUBLIC IMPROVEMENTS

9. Performance Bond for Constructed Public Improvements: **Prior to construction of public improvements**, and only for those improvements that are to be constructed and not otherwise paid for separately by fee in lieu, the applicant shall provide the City with a performance bond of 120 percent of the cost of improvements prior to beginning construction.
10. Pre-Construction Meeting: **Prior to construction of public improvements**, a pre-construction meeting with the construction contractor shall be held with City staff. To schedule the preconstruction meeting, the applicant shall reach out to the Community Development Department and submit a narrative describing how each of the required preconstruction conditions of approval have been, or will be, met. The required fee for a preconstruction meeting will be assessed and due prior to the meeting.
11. Maintenance Surety Bond: **Prior to the completion of public improvements**, at the completion of construction of the required improvements, the City will require a one-year maintenance surety bond for

20 percent of the value of all improvements to guarantee maintenance and performance for a period of one year from the date of the acceptance of the improvements.

12. Sewer and Water Plan Approval: ***Prior to the preconstruction meeting***, sanitary sewer and water plans in conformance with city standards shall be provided to the City Public Works Director. Development permits for sewer and water improvements will not be issued until the preconstruction meeting is held, and all plans are approved and signed by the Public Works Director.
13. Utility Installation: ***Prior to the preconstruction meeting***, 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.
14. Plan Review and Approval: ***Prior to the preconstruction meeting***, improvement work shall not be commenced until development plans have been reviewed and approved by the city or a designated representative. Public improvements to county roads must be reviewed by Deschutes County Road Department. The review and approval shall be at the expense of the developer.
15. Modification: ***Prior to construction of public improvements***, improvement work shall not commence until after the city has been notified and approval 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.
16. Inspection: ***Prior to completion of public improvements***, 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.
17. Agreement for Improvements: ***Prior to construction of public improvements***, 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.
18. Bond or other Performance Assurance: ***Prior to construction of public improvements***, the applicant shall provide the City with a bond or other performance assurance of 120% of the cost of public improvements that meets the requirements of 15.94.020.B, prior to beginning any public improvements. Prior to construction, a pre-construction meeting with the construction contractor shall be held with City staff. All such agreements shall be reviewed and approved by the City Engineer.
19. Amount of Bond Security Required: ***Prior to construction of public improvements***, the bond or other performance assurance 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.

**PRIOR TO FINAL PLAT**

20. Approach Permit: ***Prior to final plat***, an approach permit shall be approved by the City of La Pine Public Works Department for the new access driveway to serve the proposed properties.
21. Joint Use Access Easement and Maintenance Agreement: ***Prior to final plat***, the property owners shall record an easement allowing joint use of, and cross access between, adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement in the deed records, 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.
22. Fire Code Requirements: ***Prior to final plat***, the applicant must demonstrate compliance with the entirety of the Deputy State Fire Marshall's requirements.
23. Pine Drive Right-of-Way: ***Prior to final plat approval***, seven feet of right-of-way along the entirety of the frontage of Pine Drive shall be dedicated to the public on the partition plat map.
24. Burgess Road Right-of-Way: ***Prior to final plat approval***, five feet of right-of-way along the entirety of the frontage of Burgess Road shall be dedicated to the public on the partition plat map.
25. Waiver of Remonstrance: ***Prior to final plat approval***, the applicant will agree to sign and cause to be recorded a waiver of remonstrance against the formation of a future local improvement district for Pine Drive and Burgess Road to City local street standards as identified in the Transportation System Plan.
26. Sewer Plan Updates: ***Prior to final plat approval***, the applicant shall show the sewer main and service locations in Pine Drive on the tentative plan. Provide details of the connection to the existing sewer main, service, and service cleanout that comply with Design Standards II. Design Parameters, C. Sewer, and III. Drawings. Each lot will be serviced by its own septic tank. Any accessory dwelling units (ADUs) proposed will be required to have a septic tank separate from the existing dwelling.
27. Water Plan Updates: ***Prior to final plat approval***, the applicant shall show the water main and service locations in Pine Drive on the tentative plan. Provide details of the hot tap on the existing water main, service, and meter box that comply with Design Standards II. Design Parameters, D. Water, and III. Drawings. Each lot shall be serviced by its own water meter. Any ADU proposal will require a larger service.
28. Pine Drive and Burgess Road Public Improvement Requirements: ***Prior to final plat***, it is the City's preference that a fee in lieu be paid for all required public improvements. The opinion of probable cost submitted by the City's Engineer calculates the cost of the improvements at \$103,125, which would be suitable for an in-lieu payment. If the applicant wishes to construct these improvements, plans must be submitted to the City and approved prior to construction. If the developer wishes to construct the public improvements, to comply with Section 03 of the City of La Pine's Standards and Specifications, for Pine Drive the width of a 28-foot section of pavement needs to be extended from the existing 28 feet width of paving near the intersection of Pine Drive and Burgess Road to the northern property line. The extension shall include 3 inches of asphalt concrete on 8 inches of base rock. The street improvements shall meet the standards of the City of La Pine's Transportation System Plan street design standards for local roads, including two 11-foot travel lanes and one 7-foot parking lane, one six-foot wide sidewalk, and an 8 foot wide drainage swale containing street trees at an average 35-foot spacing except when within site vision triangles, all included on the partition side of the street. For Burgess Road, one six-foot wide sidewalk, and an 8 foot wide drainage swale containing street trees at an average 35-foot spacing except when within

site vision triangles. The improvements shall be constructed starting from the eastern property line to the western property line, all included on the partition side of the street.

29. Planting Screen Easement: **Prior to final plat**, landscaping shall be added to the planting screen easement that limits access and conforms to the installation and maintenance requirements set forth in Section 15.82.010. The easement shall be recorded with the City.
30. Improvements as Platted: **Prior to final plat**, improvements shall be designed, installed, and constructed as platted and approved, and plans therefore shall be filed with the final plat at the time of recordation or as otherwise required by the city.
31. Utilities: **Prior to final plat**, 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.
32. As Built Plans: **Prior to final plat**, 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.
33. Sale or Occupancy: **Prior to final plat**, all improvements required pursuant to this chapter and other applicable regulations or approval conditions shall be completed, in service and approved by the city, and accepted by the city council, prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the partition.
34. Final Map Requirements: **Prior to final plat**, within two years of the approval of a partition, the partitioner shall have prepared and submitted to the city planning official a final partition map prepared by a licensed surveyor and any other materials or documents required by the approval. The final plat shall meet all the requirements of LPDC Section 15.410.050 and 15.418.010.


#### **PRIOR TO ISSUANCE OF BUILDING PERMITS**

35. Future Permits: **Prior to building permit issuance**, at such a time that new development or modification of existing development is proposed on any parcel, all applicable land use, including a City Zoning Permit for each constructed or placed single family dwelling, and building permits must be obtained prior to initiating the proposed development.
36. Building Permits: **Prior to building permit issuance**, no building permits shall be issued upon lots to receive and be served by sanitary, sewer and water service and streets as improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the city, with the service connections fees paid, and accepted by the city.

**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 [bbyebee@lapineoregon.gov](mailto: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

August 20, 2025

Date

LOCATION MAP

