

# **CITY OF PRINEVILLE**

## **ORDINANCE NO. 1151**

### **AN ORDINANCE TO CHANGE THE COMPREHENSIVE PLAN MAP DESIGNATION OF A PARCEL OF LAND FROM INDUSTRIAL TO RESIDENTIAL IN COMPLIANCE WITH THE CITY OF PRINEVILLE COMPREHENSIVE PLAN**

**WHEREAS**, in order to meet the requirements of the City of Prineville Urban Area new Comprehensive Plan, the City has proposed to redesignate approximately 14.1 acres of real property described on Crook County Tax Assessor's Map 1416-29 Tax Lot 2100 from light industrial to residential and approximately .4 acres of that same property from light industrial to commercial on the City's Comprehensive Plan Map.

**WHEREAS**, The City of Prineville provided proper public notice and held hearings before the City of Prineville Planning Commission and City of Prineville City Council in which oral and written testimony was taken regarding the proposal to change the Comprehensive Plan Map designation of the subject parcel (tax lot 14-16-29-2100), or of the subject parcel described on Exhibit A, from Industrial to Residential and Outlying Commercial.

**WHEREAS**, The City of Prineville Planning Commission and City Council have determined that it is in the public interest to make a Comprehensive Map correction and thereby properly process and apply the correct Comprehensive Plan designation to the subject property.

**WHEREAS**, The City of Prineville Planning Commission on April 29, 2008, after consideration of written and oral public testimony, the property owner's burden of proof, and staff reports, made a decision to approve the Comprehensive Plan Map amendment and a recommendation to the Prineville City Council to adopt an ordinance formalizing the map amendment. A copy of this Planning Commission Decision is attached hereto as Attachment 1.

**WHEREAS**, The City of Prineville has identified the subject property as a site to be re-designated from industrial to residential and commercial within the City of Prineville Urban Area Comprehensive Plan.

**NOW, THEREFORE, THE PEOPLE OF THE CITY OF PRINEVILLE DO ORDAIN AS FOLLOWS:**

Section 1: The Council specifically finds that the proposal known as City Comprehensive Plan Amendment #1 as described on Exhibit 1 complies with the City of Prineville Comprehensive Plan and statewide planning goals for the State of Oregon.

Section 2: The Council accepts the City of Prineville Planning Commission decision described on Exhibit 1, and adopts the proposed Comprehensive Plan Map amendment, as shown on Exhibits A, B, and C attached hereto.

Section 3: The City Recorder shall place a certified copy of this ordinance in the City's permanent records, the Community Development Department shall forward a certified copy of this ordinance and the adopted City of Prineville Comprehensive Plan to the Oregon Department

of Land Conservation and Development along with the proper notice for acknowledgement within 10 days of the effective date of this ordinance.

Section 4: The Community Development Department shall notice all relevant parties of the adoption of this ordinance.

Section 5: Prineville City Council adopts this ordinance to formalize the approval of the Comprehensive Plan Map Amendment for the City of Prineville as recommended by the City of Prineville Planning Commission as shown on Exhibits A, B, and C.

Section 6: The above redesignation needs to be expedited to meet long standing commitments of the City and private development needs and schedules, therefore, an emergency is hereby declared and this Ordinance shall be in full force and in effect upon its approval by the City Council and the signature of the Mayor.

Approved by the City Council on the \_\_\_\_ day of \_\_\_\_\_, 2008.

Signed by the Mayor on the \_\_\_\_ day of \_\_\_\_\_, 2008.

Mike Wendel, Mayor

ATTEST:

\_\_\_\_\_  
Robb Corbett, City Manager/Recorder



**City of Prineville**  
**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**  
**PLANNING COMMISSION DECISION**

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**DATE:** May 1, 2008

**PROJECT NUMBER:** Ordinance #1151 - Comprehensive Plan Map Amendment #1

**APPLICANT:** City of Prineville

**OWNER:** Glenn Kotara  
P.O. Box 52  
Powell Butte, OR 97753

**PROPOSAL:** The City of Prineville, in cooperation with the property owner, proposes to re-designate approximately 14.1 acres of land from light industrial to residential and approximately 0.4 acres from light industrial to commercial on the City's Comprehensive Plan Map.

**LOCATION:** The property is located on the east side of North Main Street, approximately 500 feet north of the intersection of North Main Street and Peters Road (see Exhibit A – Site Location Map). The property is described on the Crook County Tax Assessor's map as tax lot 1416290002100.

**ORIGINAL HEARING DATE:** February 19, 2008

**HEARING CONTINUED TO:** April 29, 2008

**HEARINGS SUMMARY:**

At the initial hearing on February 19, 2008, several issues were raised in relation to the proposed Comprehensive Plan Map amendment including proximity to the Woodgrain Mill site and the potential need to update additional County maps. The Planning Commission voted to continue the hearing in order to give staff time to meet with the applicant, Crook County staff, and representatives of Woodgrain and the Department of Environmental Quality. On April 29, 2008, the Planning Commission found these issues to be resolved and **voted unanimously (5-0) to approve the proposed Comprehensive Plan Map Amendment.**

**REQUESTED COUNCIL ACTION:**

Based on City procedural requirements, the decision of the Planning Commission will not go into effect until it is formalized by the City Council through an ordinance. Staff requests that City Council approve Ordinance 1151 to officially amend the Comprehensive Plan Map. City Council also has the option to deny Ordinance 1151, an action which would nullify the Planning Commission decision.

Staff requests that the Council approve Ordinance 1151 with an emergency clause to allow the Comprehensive Plan Map Amendment to go into effect immediately instead of at the end of the 30-day appeal period. The appeal period would still be in effect but the emergency clause would allow the applicant to submit a land use application for the subject site prior to the end of the appeal period. If an appeal is filed, the City would put the application on hold until the appeal is resolved.

**Staff Contact:** Scott Edelman, Senior Planner

**Applicable Criteria:**

- (1) City of Prineville Code of Ordinances, Title XV – Chapter 153, sections 250 through 260, inclusive.
- (2) City of Prineville Urban Area Comprehensive Plan
- (3) Statewide Planning Goals 1-16

**Exhibits:**

Exhibit A – Site Location Map

Exhibit B – Comparison of Comprehensive Plan Map and Zoning Map

Exhibit C – Proposed Comprehensive Plan Map as Amended

**Background:**

The City of Prineville Urban Area Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) in October, 2007. One of the mandates included in the Comprehensive Plan is the correction of several "zoning errors" throughout the City. These are properties within the City for which the Comprehensive Plan Map designation and Zoning Map designation are inconsistent.

The subject property was annexed to the City in 2003. At that time the property was split-zoned with the largest portion of the site (approximately 14.1 acres) zoned General Residential (R-2) and the southern tip (approximately 0.4 acres) zoned General Commercial (C-2). However, while the City Council approved the zone change, the process to amend the designation of the property on the Comprehensive Plan Map was not completed. Therefore, the zoning of the property is not consistent with the Comprehensive Plan Map designation. Exhibit B provides a comparison of the subject site's designation on the Zoning Map and the Comprehensive Plan Map.

The subject site is one of the properties specifically identified in Chapter 5 (page 83) of the Comprehensive Plan as one of the zoning errors. It is also identified on the zoning error map which is referred to in the Comprehensive Plan.

The Planning Commission held the first public hearing on this proposal on February 19, 2008. Several issues were raised at that hearing, including the State requirement for a 45-day notice period. In order to comply with this requirement and to allow further analysis of other issues raised at this hearing, the Planning Commission continued the hearing to April 1, 2008. On April 1, 2008, the Planning Commission further continued the hearing to April 15 in order to allow staff and the applicant additional time to address concerns raised by Crook County staff regarding additional maps that would be affected by the proposed Comprehensive Plan map amendment.

### **Findings Summary:**

The following summary findings support the proposed Comprehensive Plan Map amendment to re-designate the subject site from Light Industrial to Residential and to rezone the southern tip of the property from Commercial to Residential based on the following primary points:

1. The City of Prineville Comprehensive Plan mandates the correction of zoning errors, including the inconsistency between the Zoning Map and Comprehensive Plan Map designation for the subject site.
2. The City's industrial lands inventory, which was used to support both the most recent expansion of the City's Urban Growth Boundary and the Comprehensive Plan, included the subject site as land needed for residential development, not industrial.
3. Development patterns around the subject site have been entirely residential and are not compatible with industrial development on the subject site.

### **Staff Findings:**

#### **1. City of Prineville Code of Ordinances, Title XV – Chapter 153**

##### **153.256.030. Decision on plan amendments and zone changes.**

A. Except as set forth herein, the Planning Commission when acting as the Hearings Body shall have authority to make decisions on all quasi-judicial zone changes and plan amendments. Prior to becoming effective, all quasi-judicial plan amendments and zone changes shall be adopted by the City Council.

B. In considering all quasi-judicial zone changes and those quasi-judicial plan amendments on which the Planning Commission has authority to make a decision, the City Council shall, in the absence of an appeal or review initiated by the Council, adopt the Planning Commission decision. No argument or further testimony will be taken by the Council.

**Finding 1: The proposal is for a quasi-judicial zone change and plan amendment. As such, it is subject to the process as outlined above. The purpose of the public hearing set for February 19, 2008 and continued to April 15, 2008 is for the Planning Commission to hold a public hearing to make a decision on the proposed Comprehensive Plan Map amendment. If the Planning Commission approves the proposal, the City Council will have the option of adopting the Commission's decision or conducting its own review.**

## **2. City of Prineville Urban Area Comprehensive Plan, Chapter 2 Urban Land Uses and Zoning Designations**

### **(Pg 30) Purpose and Intent**

The Prineville urban area contains land use descriptions and zoning for residential, commercial, and industrial areas. This chapter examines the different zone and land use designations and implementation strategies. The primary designations implement the strategies that regulate the use of land and its ability to support the community's long-term development objectives. The goals, policies and programs contained in this chapter will help the City manage its land uses to meet the growth needs of the Prineville community. It should be noted that the existing Comprehensive Plan Map, also known as the "Prineville Area Physical Development Plan", will need to be updated and various changes made given the age and poor drafting quality. Commensurate with revisions and improvements to the Comprehensive Plan Map, various errors were discovered on the 2006 Zoning Map. These errors and other needed revisions will be needed to improve consistency and compatibility with the revised Comprehensive Map.

**Finding 2: As stated in the above referenced statement, various errors were identified that created inconsistencies between the Zoning Map and Comprehensive Plan Map. Staff finds that the proposed Comprehensive Plan Map amendment and rezone is one of the referenced errors for which the Comprehensive Plan mandates the City to correct.**

## **3. City of Prineville Urban Area Comprehensive Plan, Chapter 5 Economy**

### **(pg. 82-83) Existing Industrial Lands Located Near Incompatible Uses**

The City has also continued analysis of the potential negative impacts of retaining heavy manufacturing and other industrial land designations currently located near the older parts of the city. In-depth review of these areas indicates the industrial areas are located in areas with limited water supply, adjacent to sensitive wetlands, steep slopes, and long established low-density residential development.

**Finding 3.a.: The properties adjacent to the subject site to the north, east and west have each been developed residentially. Staff finds that the Industrial designation of this property on the Comprehensive Plan map is not compatible with residential development. The property to the immediate south of this site is also designated as Industrial and split-zoned general residential (R-2) and general commercial (C-2) (see Exhibit B). The City plans to correct this "zone error" with a future Comprehensive Map amendment; however, staff finds that the commercially zoned portion of the**

property to the south of the subject site should remain commercial in order to provide a buffer between future residential development on the subject site and the existing lumber mill to the south of Peters Road. Further, staff finds that the 0.4 acre tip at the south of the subject site should remain zoned commercial as part of this buffer.

The City received a letter from the Department of Environmental Quality (DEQ) supporting the need for the commercial buffer. This letter is included as Exhibit D.

### Existing Residential Development on Industrial Lands

The City has numerous residential homes built on industrially zoned lands. This situation needs to be corrected. The City has proposed a legislative fix to this situation and in combination with UGB expansion will serve to correct long standing zoning errors. A demonstrated need for additional developable residential lands (as described in following chapters) and to develop within the guidelines of a "framework plan" supports the rezoning of poorly located industrial areas to other uses. Map # 3 shows these areas.

#### Additional Reductions to Industrial Land Acreages after 2004 UGB Expansion Due to Needed Rezoning\*

Land Area By Historic Ownership Name, etc.	Total Current Industrial Acres Requiring Rezoning to Other Uses
Carpenter	100.0
Rhoden	120.0
Ochoco	120.0
Smith	60.0
Northridge	115.0
Other Areas	20.0
UGB Area 9	34.0
Totals	569.0 <sup>1</sup>

**Finding 3.b.:** The subject site is referenced in the table above as a portion of the Carpenter property. As such, it has been identified as one of the properties with a zoning error that needs to be corrected through a "legislative fix." This proposed Comprehensive Plan Map amendment is intended to correct this error. Staff finds, as stated above, that this property was taken out of the calculations for industrial land acreages in the City's land inventory and Comprehensive Plan.

## 4. City of Prineville Urban Area Comprehensive Plan, Chapter 7 Housing

(Pg. 126) Housing Values and Policies

<sup>1</sup> Acreages estimate until verified with GIS and survey data

- It is essential to develop strategies that increase the variety of housing choices in the community. These strategies must include an inventory and analysis of needed housing types, existing housing supplies, and strategies for meeting the changing community demographic.
- It is necessary to provide adequate buildable residential land for the 20 year planning horizon.

**Finding 4:** The City of Prineville has included the subject property within its inventory of land available for residential development. This is primarily due to its location in the community where it directly abuts other residential uses on three sides of its property boundary. The subject property also abuts North Main Street, designated as an arterial on the City of Prineville Transportation Plan, providing suitable access for a residential development. The site has City utilities within the property or within close proximity to it. Overall, the property is correctly placed within the community to support a variety of residential uses as intended by the Plan. The subject property is a large parcel within a developed area of the community and could provide significant needed housing; however, the inconsistencies between the Comprehensive Plan Map and Zoning Map cause this property to be undevelopable for residential purposes. Staff finds this property to be more suitable for residential development than for industrial development, as reflected in the City's Comprehensive Plan.

## **5. Oregon's Statewide Planning Goals**

The proposed Comprehensive Plan Map amendment is found to be in compliance with the applicable Statewide Planning Goals as set forth in the findings below.

**GOAL 1:** To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

**FINDING 5:** The City of Prineville provided notice required by the City of Prineville Code of Ordinances, including a notice in the local newspaper ten days in advance of the February 19, 2008 public hearing and written notice to all owners of property within 250 feet of the subject site 21 days prior to the public hearing. The City of Prineville provided notice to the Oregon Department of Land Conservation and Development (DLCD) on February 12, 2008, considering notice to DLCD as a courtesy since the proposed Comprehensive Plan Map amendment is mandated by the DLCD approved Comprehensive Plan. However, prior to the February 19 hearing, the City was notified by DLCD in writing that 45-day notice to DLCD is still required for this proposed amendment. In response, the Planning Commission voted to continue the hearing to April 1, 2008, which provided 49 days from the original notice to the date of the continuance.

**GOAL 2:** To establish a land use planning process and policy framework for all decision and actions related to use of land and to assure an actual factual base for such decisions and actions.

**FINDING 6:** The City of Prineville has an acknowledged Comprehensive Plan and Development Ordinance that contains the policy framework for land use decisions and actions for the City of Prineville. This proposed Comprehensive Plan Map Amendment is being processed in accordance with this policy framework.

**GOAL 3:** To preserve and maintain agricultural lands.

**FINDING 7:** Goal 3 does not apply to land within an Urban Growth Boundary (UGB).

**GOAL 4:** To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water and fish and wildlife resources and to provide for recreational opportunities and agriculture.

**FINDING 8:** Goal 4 does not apply to land within a UGB.

**GOAL 5:** To protect natural resources and conserve scenic and historic areas and open spaces.

**GOAL 6:** To maintain and improve the quality of the air, water and land resources of the state.

**GOAL 7:** To protect people and property from natural hazards.

**FINDING 9:** As part of its 1978 Comprehensive Plan, intended to address Oregon's State Planning Goals 5, 6 and 7, Crook County adopted a Physical Limitations map. This map identifies part of the southwest portion of the subject site as an area with steep slopes. Since these slopes encompass only a small portion of the subject site, staff finds this property to be suitable for residential development and the proposed Comprehensive Plan Map amendment to be consistent with Goals 5, 6 and 7.

The 1978 Physical Limitations Map also identifies a portion of the subject property as having "soils unsuitable for septic tanks." Since the subject site has been annexed into the City limits, any development will be served by the public sanitary sewer system. As a result, this designation is no longer of significance in relation to the subject site.

The City of Prineville Comprehensive Plan, acknowledged by DLCD in 2007, includes language addressing Goal 5, 6 and 7 issues. Among the work programs identified within the Comprehensive Plan to address these issues is the mandate to "create an inventory of Goal 5 resources and natural areas that require special

protection and new regulations. This inventory will be accompanied by a Goal 5, 6 and 7 maps that will replace the County's 1978 Physical Limitations Map. Though not yet adopted by City Council, the draft inventory and map do not identify steep slopes as a significant issue in relation to the subject site.

The draft Goal 5 inventory and Goal 5, 6 and 7 maps do identify a portion of the site as being within a "significant ground water sensitivity zone." As there are no existing wells or septic systems on the site, the only potential threat to this zone would be drainage created by development on the subject site. This will be addressed through future subdivision review.

Based on the findings above, staff finds the proposed Comprehensive Plan Map amendment to be consistent with Goal 5, 6 and 7.

GOAL 8: To satisfy the recreational needs of the citizens of this state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

**FINDING 10:** The City of Prineville has inventoried the recreational needs of its citizens and has addressed those needs through provisions for parks and open space in the Development Code and jointly with the Crook County Parks and Recreation District in the Parks Master Plan. The proposed Comprehensive Plan Map amendment is consistent with Goal 8 because there is no land within the subject site designated for parks and open space.

GOAL 9: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's citizens.

**FINDING 11:** As part of its 1978 Comprehensive Plan, the County adopted two maps that deal with industrial lands in the Prineville Area, the Physical Development Plan and the Industrial Sites Map.

These maps were replaced by the Crook County Comprehensive Plan Map, adopted by the City of Prineville in 1984 which designates industrial, commercial and residential lands. The 1984 Comprehensive Plan Map was the basis for the map submitted to DLCD with the City of Prineville Comprehensive Plan in 2007, although this map expanded on the 1984 version to encompass the current urban growth boundary (UGB). These maps designate the subject site as light industrial. The Comprehensive Plan Map submitted to DLCD with the Comprehensive Plan is the map that is proposed to be amended.

In regard to Goal 9, the City of Prineville treated the subject site as residential in the buildable lands inventory used to support the expansion of the urban growth boundary (UGB) in 2004, which included approximately 827 acres of industrial land. It is also treated as residential in the 2007 City of Prineville Comprehensive Plan. Since both the UGB expansion and Comprehensive Plan were approved

without this property being treated as industrial land, staff concludes that there is sufficient industrial land within the UGB to ensure the proposed Comprehensive Plan Map amendment will not conflict with Goal 9.

A primary concern expressed by the Oregon Department of Environmental Quality (DEQ) and representatives of Woodgrain Mill, located south of the subject site, is the proximity of the subject site to the mill. Both DEQ and Woodgrain Mill representatives have expressed support for the commercial buffer between the mill site and proposed residential development on the subject site.

GOAL 10: To provide for the housing needs of citizens of the state.

**FINDING 12:** The City of Prineville maintains an inventory of lands needed to provide for the housing opportunities for its citizens. The proposed Comprehensive Plan Map amendment is consistent with Goal 10 because it adds approximately 14.1 acres of additional lands to meet the demands of the citizens of Prineville.

GOAL 11: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

**FINDING 13:** The City of Prineville maintains inventories of its transportation system through its Transportation System Plan (TSP), as well as its sanitary sewer and water systems through its Wastewater and Water Master plans. The proposed Comprehensive Plan Map amendment is consistent with Goal 11 because there are adequate existing public facilities and services available to the subject property. The property has access to the City's transportation system, as well as having local access to city sanitary sewer and water systems.

GOAL 12: To provide and encourage a safe, convenient and economic transportation system.

**FINDING 14:** As found above, the City of Prineville maintains inventories of its transportation system through its Transportation System Plan. As part of its adopted TSP, the city has identified both N Main Street and NE Peters Road as Arterial Streets. As arterial streets, access will be significantly limited through the land use process, thereby contributing to both the safety and efficiency of these arterial streets.

GOAL 13: To conserve energy.

**FINDING 15:** Due to the residential-commercial split zoning of the subject site and the adjacent properties to the south, the proposed Comprehensive Map

**amendment will potentially contribute to energy conservation by locating residential and commercial uses in close proximity, thereby shortening some vehicle trips.**

GOAL 14: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

**FINDING 18: The subject site was annexed into the City of Prineville in 2003 and its western boundary abuts the City limits. The adjacent properties to the north and east have been developed residentially. Staff finds that further residential development on this site will contribute to an orderly and efficient transition from rural to urban land.**



**City of Prineville**  
**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**  
**PLANNING COMMISSION DECISION**

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**DATE:** April 29, 2008

**PROJECT NUMBER:** Comprehensive Plan Map Amendment #1

**APPLICANT:** City of Prineville

**OWNER:** Glenn Kotara  
P.O. Box 52  
Powell Butte, OR 97753

**PROPOSAL:** The City of Prineville, in cooperation with the property owner, proposes to re-designate approximately 14.1 acres of land from light industrial to residential and approximately 0.4 acres from light industrial to commercial on the City's Comprehensive Plan Map.

**LOCATION:** The property is located on the east side of North Main Street, approximately 500 feet north of the intersection of North Main Street and Peters Road (see Exhibit A – Site Location Map). The property is described on the Crook County Tax Assessor's map as tax lot 1416290002100.

**ORIGINAL HEARING DATE:** February 19, 2008

**HEARING CONTINUED TO:** April 29, 2008

**STAFF CONTACT:** Scott Edelman, Senior Planner

**HEARING SUMMARY:** Several issues were raised at the initial public hearing on February 19, 2008, including a request from the Department of Land Conservation and Development for a 45-day notice, the proximity of the site to Woodgrain Millworks and Crook County maps that could potentially be affected by the proposed plan amendment. The Planning Commission voted to continue the hearing in order for staff to work with the property owner, County staff and other concerned entities to address these issues. Based on the staff report for the continued hearing on April 29, 2008 and the lack of any opposition from the parties that initially raised the concerns, the Planning Commission found these issues to be resolved and approved the Comprehensive Plan Map amendment unanimously.

**PLANNING COMMISSION DECISION: APPROVAL**

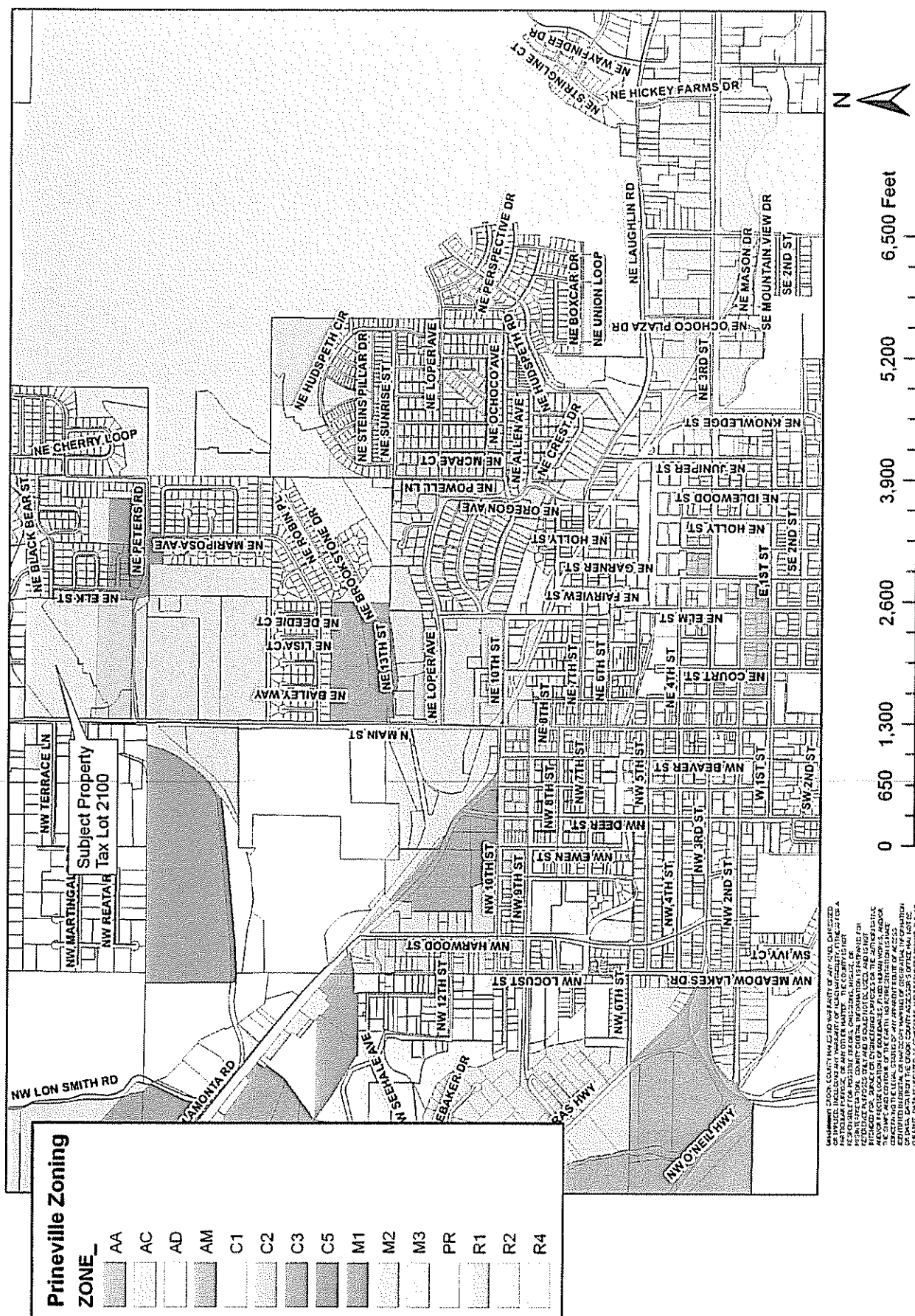
**THIS DECISION BECOMES FINAL TWELVE (12) DAYS FOLLOWING THE DATE OF THIS MAILING UNLESS APPEALED BY A PARTY OF INTEREST.**

Approved on the 29<sup>th</sup> day of April 2008.

Paul Cuddy

A handwritten signature in cursive script, appearing to read "Paul Cuddy", written over a horizontal line.

Planning Commission Chair

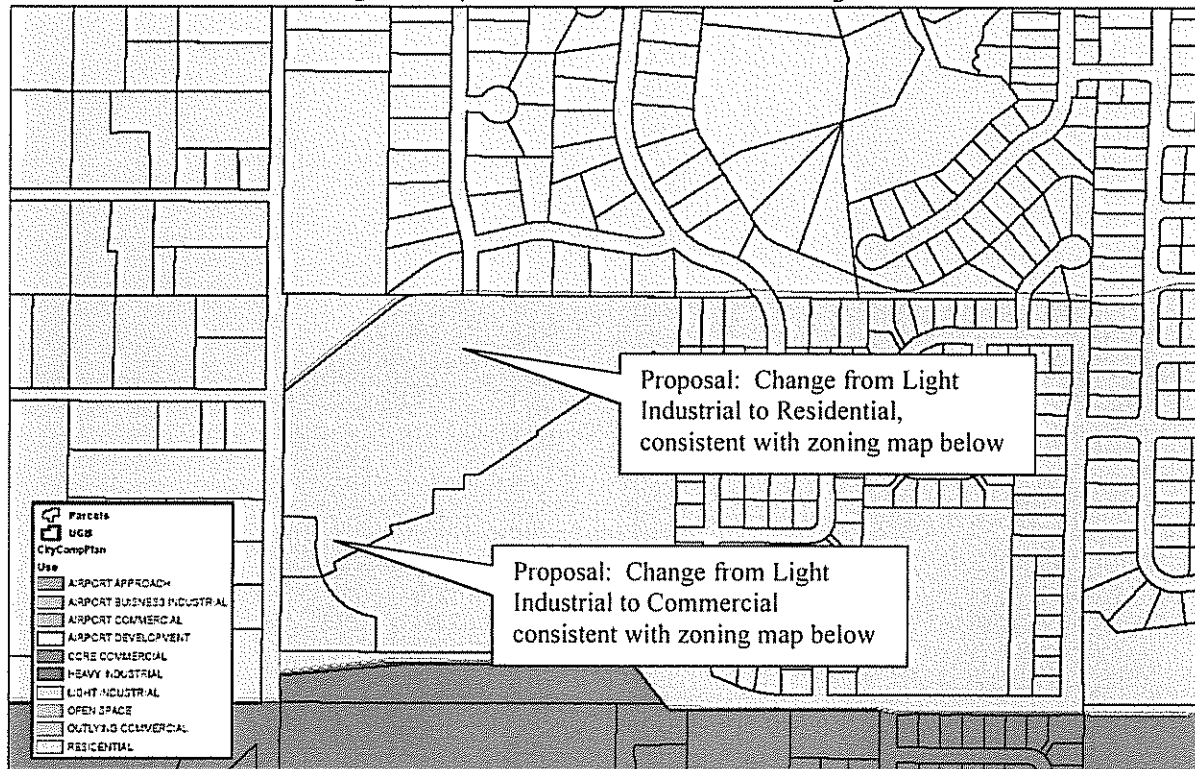




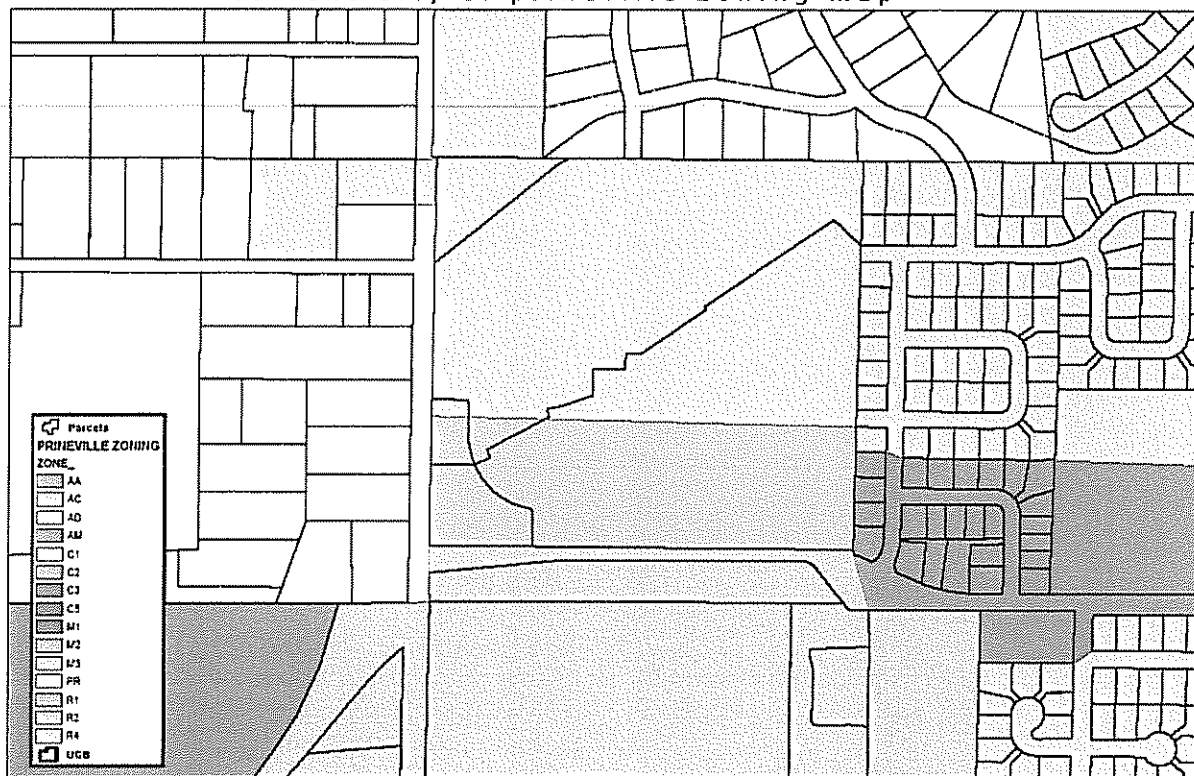
# City of Prineville – Comprehensive Map Amendment #1

## Comparison of Comprehensive Plan Map and Zoning Map

Existing Comprehensive Plan Designation



Current City of prineville Zoning map





# City of Prineville -- Comprehensive Map Amendment #1

## Proposed Comprehensive Plan Map as Amended

