

City of Prineville

ORDINANCE NO. 1226

AN ORDINANCE AMENDING THE CITY OF PRINEVILLE COMPREHENSIVE PLAN MAP AND ZONING MAP TO CHANGE THE COMPREHENSIVE PLAN DESIGNATION OF THE SUBJECT PROPERTY FROM HEAVY INDUSTRIAL TO OUTLYING COMMERCIAL AND THE ZONING DESIGNATION FROM LIGHT INDUSTRIAL (M1) TO GENERAL COMMERCIAL (C2)

WHEREAS, Prineville Code establishes the policy and procedure allowing a property owner or authorized agent thereof to initiate amendments to change the zoning and Comprehensive Plan Map designation of a property so long as permission is provided in writing by the owner of the subject property; and

WHEREAS, the applicant has a purchase agreement with the property owner to purchase tax lot 2500, also described as parcel 1 of partition plat 2006-49 (the Property), shown in Exhibit A, if the zoning for the Property is changed; and

WHEREAS, all required notice was provided in accordance with state law and city ordinance, including notice to the State Department of Land Conservation and Development, newspaper notice and notice to neighboring property owners; and

WHEREAS, the City Planning Commission held public hearing on October 18th, 2016 in order to solicit comments from neighbors and other members of the community; and

WHEREAS, after hearing citizen input and considering the staff report and all items in the record the Planning Commission voted unanimously to recommend the zone change and Comprehensive Plan Map amendment for the Property and recommend that Council approve these amendments;

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

1. The Comprehensive Map designation of the Property is changed from Heavy Industrial to Outlying Commercial in accordance with Exhibit B.
2. The Zoning Map designation of the Property is changed from Light Industrial (M1) to General Commercial (C2) in accordance with Exhibit C.

APPROVED BY THE CITY COUNCIL ON THE _____ DAY OF November, 2016.

Betty J. Roppe, Mayor

Attest: _____
Lisa Morgan, City Recorder

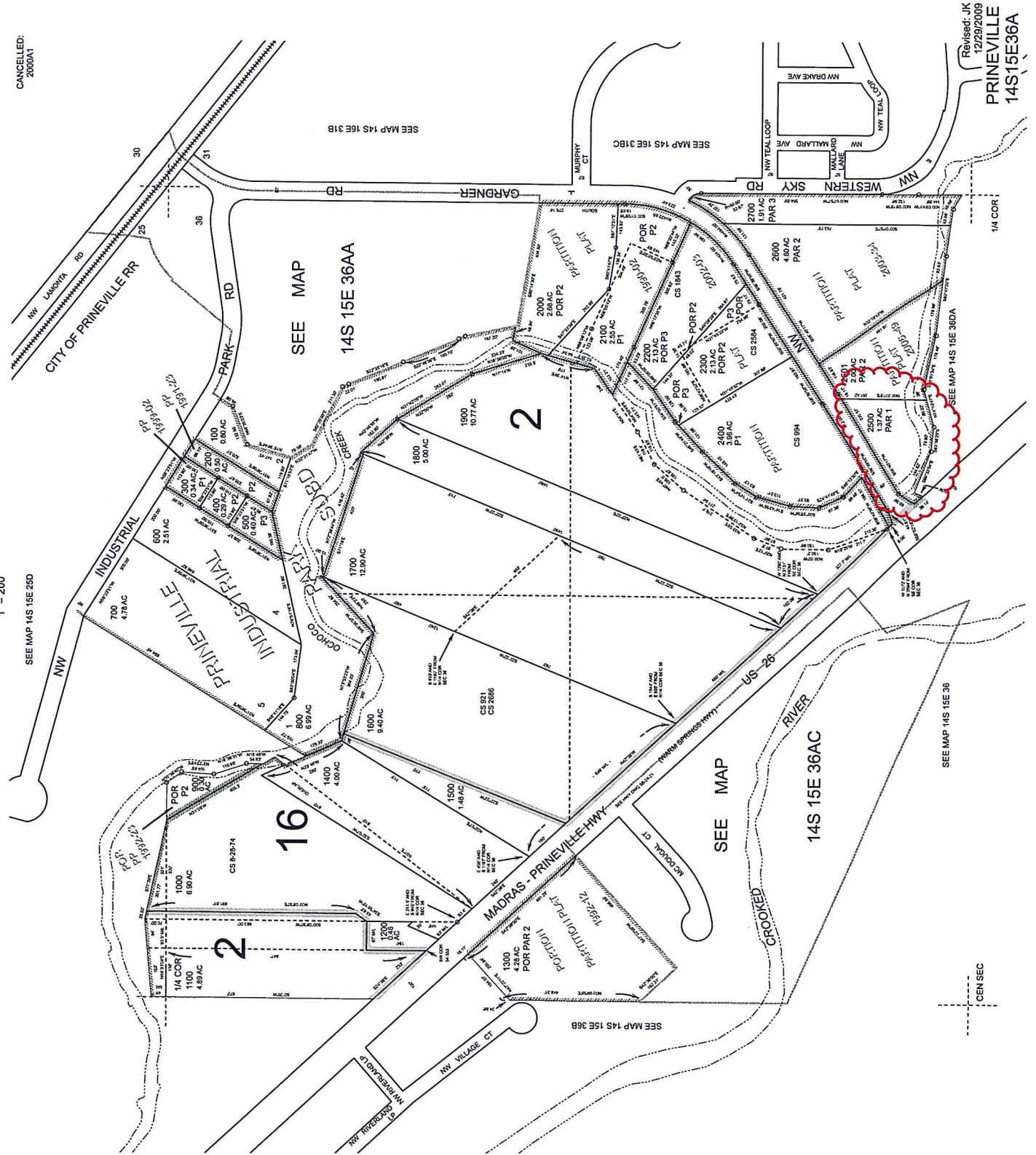
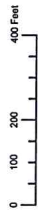
Exhibit A

N.E. 1/4 SEC. 36 T.14S. R.15E. W.M.
CROOK COUNTY
1" = 200'

14S15E36A
PRINEVILLE

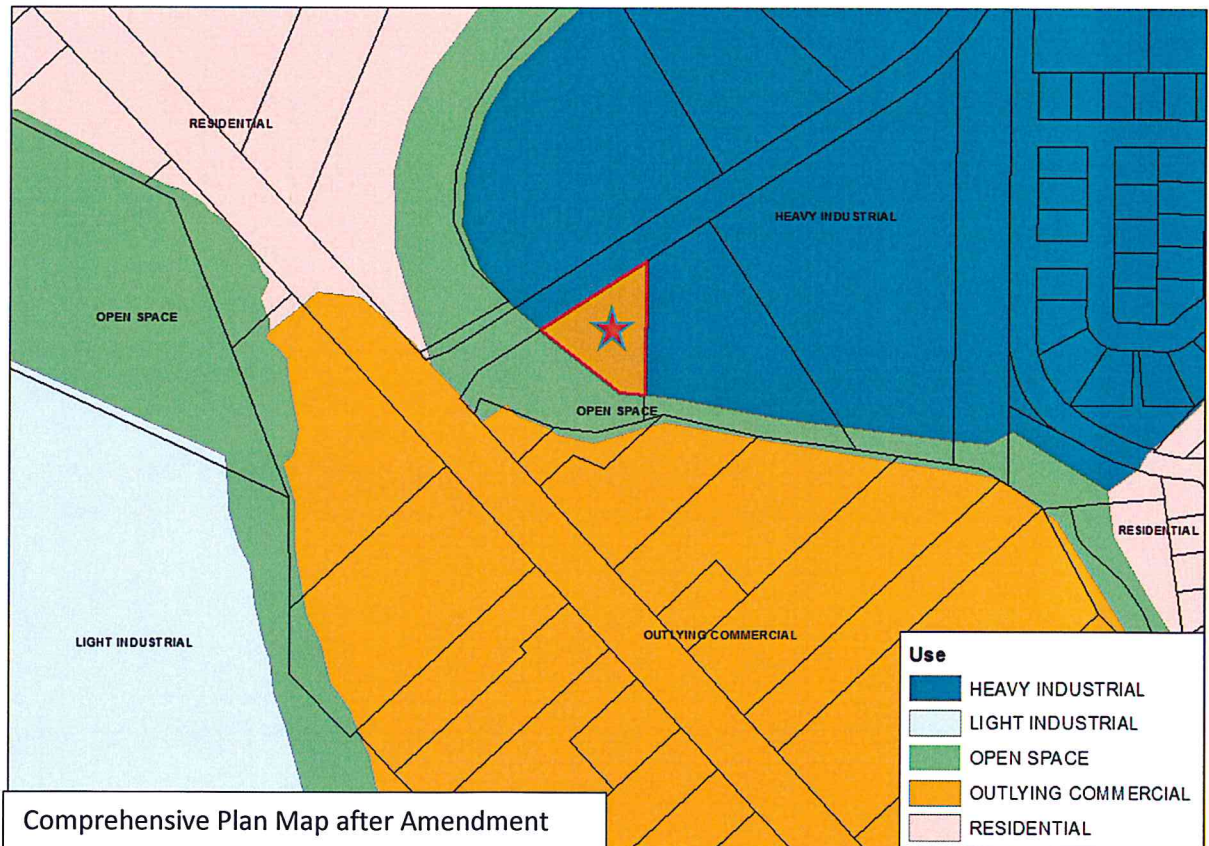
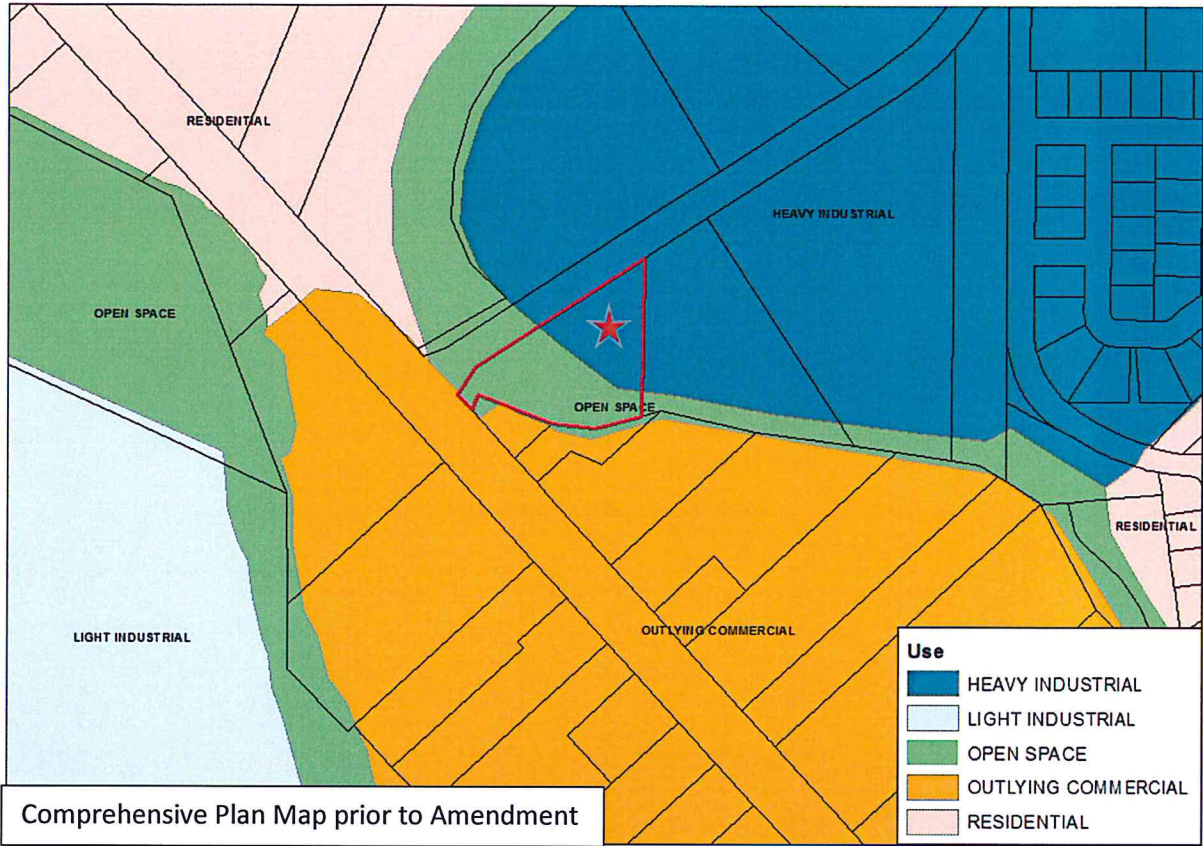
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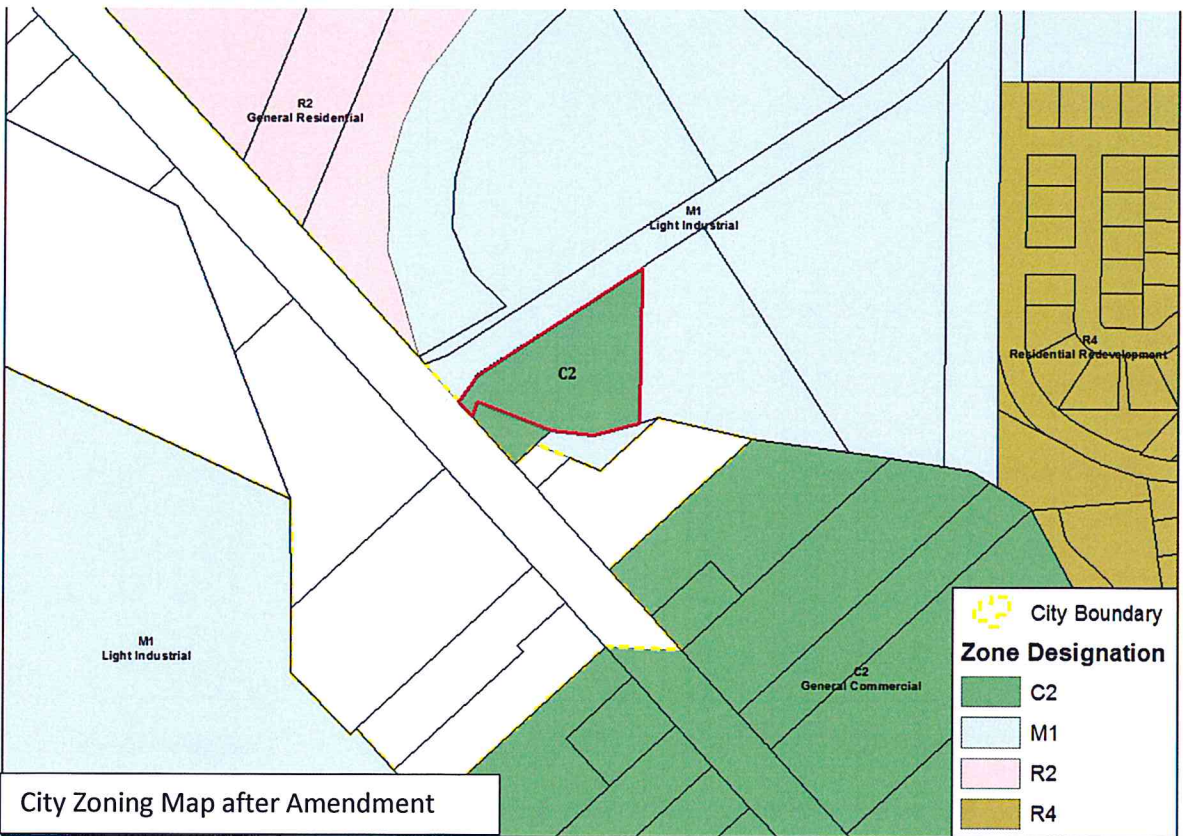
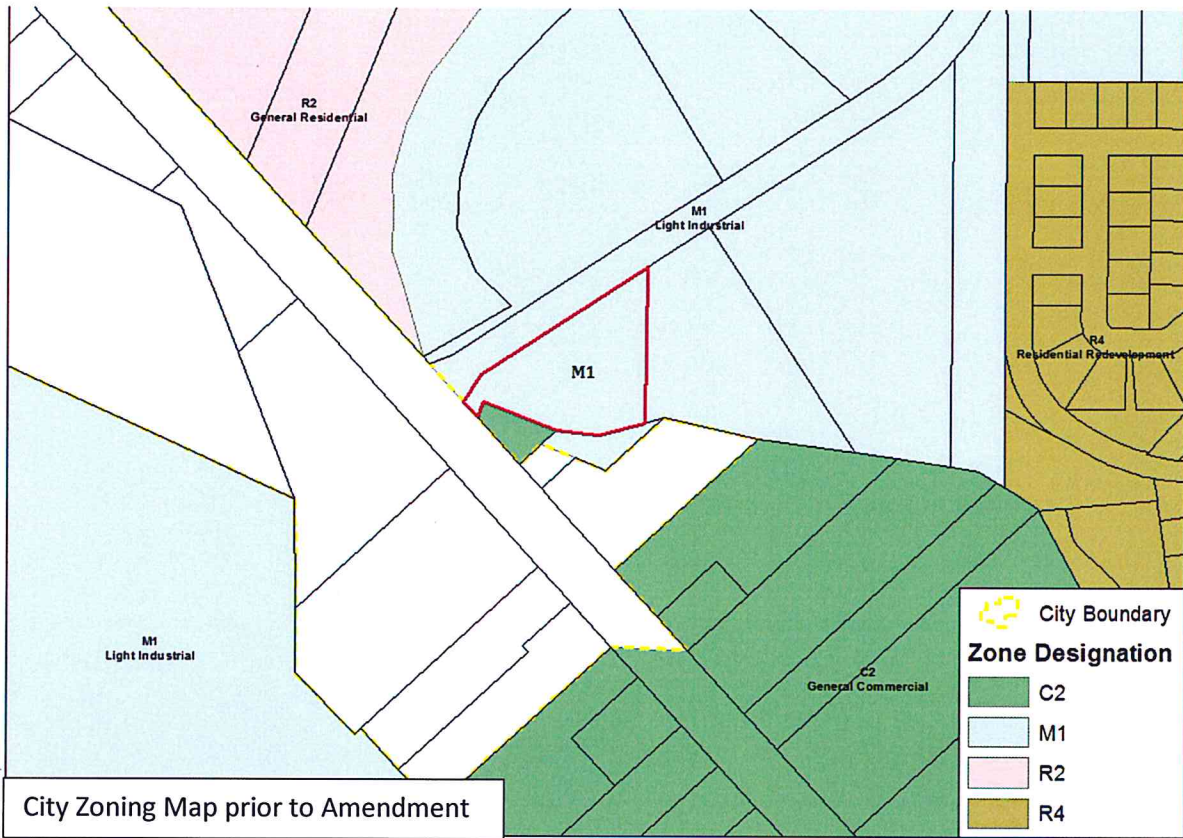
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



Revised: JK
12/29/2009
PRINEVILLE
14S15E36A

(8)



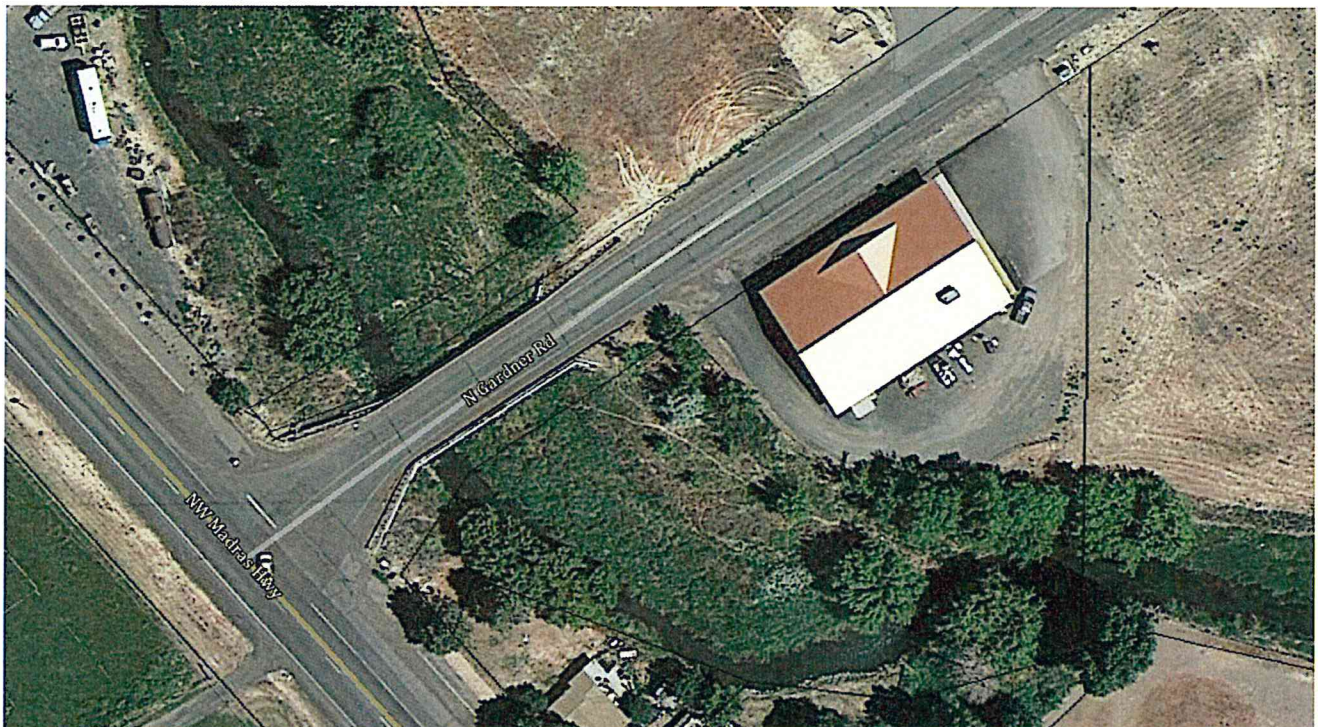




City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
CITY COUNCIL STAFF REPORT

Council Meeting: October 25th, 2016
PC Hearing Date: October 18th, 2016
File No.: AM-2016-103
Applicant: Jake Guynup
Owner: Samantha Kline
Location: 1220 NE Gardner Road (Perfect for "U") Map & Tax lot 141636A 002500, also identified as parcel 1 of Partition Plat 2006-49.
Notice to DLCD: 9/12/16
Newspaper Notice: 9/27/16
Public Hearing: 10/18/16
Staff: Joshua Smith, Senior Planner

Proposal: The applicant is proposing to amend the Comprehensive Plan Map designation for this property from Heavy Industrial to Outlying Commercial and amend the City's zoning for this property from Light Industrial (M1) to General Commercial (C2). The purpose of the amendment is to allow the relocation of a retail grocery business (Grocery Bandit), whose use is currently not permitted in an industrial zone. Below is a 2014 aerial view of the property under review.



Applicable Criteria:

- 1) City of Prineville Comprehensive Plan - Chapters 1, 2, 3, 4, 5, 6, 8.
- 2) City of Prineville Land Use Code Chapter 153 – 153.014, 153.037, 153.051, 153.060, 153.230 -236, 153.256.030
- 3) City Transportation System Plan.
- 4) City Ordinance 1093 – Establishing System Development Charges for sewer, water & Transportation.
- 5) Oregon Statewide Planning Goals 1,2,5,7,9,12,
- 6) Oregon Administrative Rules (OAR) - OAR 660-009-0015, OAR 660-009-0020(2), OAR 660-009-0025(6), OAR 660-018.
- 7) Oregon Revised Statutes (ORS) - ORS 197.610.

Background: This property was annexed into the City as light industrial in January of 1989 (resolution 677) as part of a larger industrial lands annexation. The zone was designated as light industrial presumably because of the previous County zone and proximity to residential and commercial uses even though the Comprehensive plan designation remains heavy industrial. The property is a portion of two partitions. One in 2003 (plat 2003-34) and again in 2006 (plat 2006-49) to create its current size of 1.37 acres. The property remained vacant until 2007 when a retail furniture store was applied for, approved and built. A furniture store is one of the few types of retail along with feed stores, equipment sales, building supplies and similar uses that are allowed in the City's Light Industrial zone. The furniture store is still in business today, though the building is for sale and currently under a purchase agreement with the applicant to buy the building should the proposed zone change and use be approved.

Findings Summary: Staff finds that the requested plan amendment and zone change is a reasonable and appropriate request. The proposal will add needed commercial zoning without a significant impact to the current industrial zone and maintains protection of the Natural Features Overlay District. This proposal will create a commercial node near existing residential homes and an existing off highway path that further connects the proposal to residential areas. The proposal allows an existing business to expand its operations now and into the future, but also ensures that development pays its own way by assessing traffic SDC for the additional impact to the site from the previous use.

Hearing Summary:

Staff – Staff gave a presentation explaining the reason behind the proposed changes and the justification for the how this change fits within the City's comprehensive plan and state wide planning goals. Staff explained the potential benefits of providing a commercial node in this area and the benefits of helping an existing business expand. Staff also explained that the loss of a small, developed, light industrial parcel would be insignificant to the M1 zone.

Applicant – The applicant discussed how his grocery business functions and the types of products that are available. He also explained his reasons for moving to a new location. Those reasons being building size, building type, highway frontage, and truck access. The applicant also stated that the location is better for many of his customers that currently have to cross the highway to get to his store.

Planning Commission – The Planning Commission was concerned with the potential negative impacts of losing a portion of the light industrial zone and how that would impact the required 20 year supply. Staff stated that DLCD did receive a notice of the application and that staff had spoken to City’s DLCD representative and they did not comment for or against the application. Staff also mentioned that the developable portion of this property is only 0.57 acres that is almost entirely developed with an existing retail building, so the effect on the 20 year supply would be insignificant. The Planning Commission also asked if the property was in the floodplain. Staff stated that the property is in the floodplain but the building has a letter of map amendment removing it from the floodplain. Staff also stated that when the property was created the high water mark was mapped and fenced off and the building was setback and raised on fill.

During deliberations the Commissioners expressed that the change would amount to going from retail to retail and that there would be no real change in use. One Commissioner stated that this is a positive for the business and just wanted to ensure it was positive for the City.

Decision – Bob Orland made a motion to recommend approval to the City Council. Ron Cholin seconded the motion and the motion passed with 4 in favor and none opposed.

EXHIBITS

Exhibit A – Current Tax map

Exhibit B - Comparison of Current and Proposed Comprehensive Plan Map

Exhibit C – Comparison of Current and Proposed Zoning Map

Exhibit D – Letter from applicant

Staff Findings

The following findings are intended to support the proposed Zoning Map and Comprehensive Plan Map amendment and use change by demonstrating compliance with the City of Prineville Comprehensive Plan and Zoning Ordinance and state law.

The following section of the City of Prineville Zoning Ordinance is applicable to this proposal in regard to the procedures to be followed when considering a zone change and map amendment.

SECTION 1: City of Prineville Code of Ordinances – Chapter 153, Land Use Code

Criteria: 153.014 GENERAL CRITERIA.

In determining whether or not any application shall be approved or denied, it shall be determined that the following criteria are either met or can be met through compliance with specific conditions of approval.

(A) The proposal is compatible with the City Comprehensive Plan and applicable policies set forth thereby.

(B) The proposal is in compliance with the requirements set forth by the applicable primary zone, by any applicable combining or overlay zone, and other provisions set forth by this chapter that are determined applicable to the subject use.

(C) That, for a proposal requiring approvals or permits from other local, state and/or federal agencies, evidence of the approval or permit compliance is established or can be assured prior to final approval.

(D) The proposal is in compliance with specific standards, conditions and limitations set forth for the subject use in the applicable zone, this section and this chapter.

(E) That no approval be granted for any use which is or expected to be found to exceed resource or public facility carrying capacities.

(F) For any use which is found to require compliance with air, water, land, solid waste and/or noise pollution standards, that the compliance be a condition of approval and compliance therewith shall be a continuing condition.

(G) As applicable, a city business license shall be required, and if a requirement, the continual maintenance of the license shall be a continuing condition of approval and failure to maintain the compliance shall constitute grounds for permit revocation.

FINDING 1A: With the approval of this plan amendment and zone change the proposed use as a discount grocery business will be in compliance with the Comprehensive Plan and the primary zone. There are no other known local, state or federal permits required for this change of use other than a Certificate of Occupancy from the Crook County Building Department. The proposed use is not expected to create a nuisance and will not exceed resource carrying capacity. Water and sewer system development charges (SDCs) will not be assessed unless a larger water meter is needed. A traffic study has been submitted comparing the previous light industrial use to the new commercial use. This study finds that 5 additional vehicle trips will create. The applicant shall pay a traffic SDC based on these 5 additional trips.

Criteria: 153.037 COMMERCIAL & INDUSTRIAL USE TABLE

M1 Light Industrial Zone

General Retail – Not Allowed

Grocery, Store or Market – Not Allowed

C2 General Commercial Zone

General Retail – Outright

Grocery, Store or Market – Outright

FINDING 1B: As shown above, the propose use is not allowed in the M1 light industrial zone but is allowed as an outright use in the C2 General Commercial zone. With Commercial zoning adjacent to this property, nearby residential and an existing retail use (furniture store); staff felt a zone change was a reasonable request that is justifiable.

Criteria:

153.051 GENERAL COMMERCIAL C-2 ZONE.

In a C-2 Zone, the following regulations shall apply.

(A) Purpose. *The purpose of the C-2 Zone is to provide for those commercial uses which are considered more desirable to be located in an area outside of the downtown commercial core area, that are more dependent upon and create the highest volumes of vehicular traffic, are considered the heaviest or most intensive type of commercial uses, which actually involve a combination of heavy commercial and light industrial type uses, which commonly involve expansive areas of outside storage and displays of products and are more traveler oriented.*

153.060 LIGHT INDUSTRIAL M-1 ZONE.

In an M-1 Zone, the following regulations shall apply.

(A) Purpose. *The purpose of the Light Industrial M-1 Zone is to provide for a wide range of industrial uses, but limiting or excluding those industrial uses which are generally not considered compatible with adjoining commercial or residential areas and which, in many cases, involve industrial uses which involve hazardous or nuisance creating conditions.*

FINDING 1C: The C2 and M1 zones intersect on many uses but separate when it comes to retail. Generally only bulk retail like furniture or landscape materials are allowed in the M1 zone. This area fits the purpose of the M1 and C2 zones, however; due to the proximity to residential uses and the entrance to the community a C2 zone may be more appropriate at this time.

Criteria: 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 1D: This proposal is for a Comprehensive Plan Map and Zoning Map amendment. As such it is subject to the process outlined above. The purpose of the public hearing is to make a decision on the proposed amendment based on this staff report, the materials

submitted by the applicant, and all comments and considerations raised through the land use application and hearings process. As stated in the absence of an appeal or review initiated by the Council, the council shall adopt the Planning Commission decision with no argument or further testimony.

SECTION 2: City of Prineville Code of Ordinances, Title XV - Chapter 154, Comprehensive Plan

The chapters of the City of Prineville Comprehensive Plan which are relevant and applicable to the proposed Comprehensive Plan Map and Zoning Map amendment are discussed below. Specific items within these chapters which are not relevant to this proposal are not listed in order to achieve maximum clarity and efficiency. Section 3 (State Planning Goals) will also discuss many of the same goals and policies.

City of Prineville Comprehensive Plan - Chapter 1: Community Characteristics

Goal # 1: Improve the function and appearance of the community's residential neighborhoods, commercial and industrial areas.

Residential Neighborhood Values and Policies

Residential neighborhoods shall include the following features:

"Complete neighborhood" land use and design standards. Neighborhood Master Plans shall be evaluated based on the adopted land division and zoning ordinance criteria as applicable, and shall also contain the following neighborhood design elements:

- Neighborhoods shall contain employment/shopping/service opportunities located in areas that can be served by transit and easily accessed by residents in the neighborhood. Residentially oriented services (i.e. convenience stores, laundromats, cafés, etc.) shall not exceed a distance greater than 2640 feet (1/2 mile) from one another unless as approved by exception.

Finding 2A: The Comprehensive plan strives to create complete neighborhoods as described above. This particular area has two subdivisions totaling 90 lots ("Valley Brook" and "Western Sky") that are less than a 1000 ft. from this proposed site. These subdivisions are accessed only through the industrial area with no direct connection to other neighborhoods or commercial amenities. This zone change would place commercially zoned property and in this case a form of grocery store, within walking distance of these subdivisions without having to access or cross the Hwy. While the situation is not ideal it does move in the direction of a more complete neighborhood.

City of Prineville Comprehensive Plan - Chapter 2: Urban Land Uses and Zoning Designations

Goal # 1: Create land use regulations that enhance Prineville without sacrificing community values.

Commercial Zone Values and Policies

- Commercial zones shall be places that provide a wide range of services and goods to citizens in a convenient manner and without creating unnecessary subsidies.
- Commercial areas, nodes, and zones should be located throughout the community to provide convenient shopping, employment, and services to citizens in an efficient manner.
- Commercial zones must include outright permitted and conditional uses adequate to fully support the needs of the Prineville community.
- Commercial zone regulations should be flexible and include incentives to attract businesses to create a self-supporting community and competitive business environment.
- Commercial zones should provide adequate opportunities to locate and operate businesses so Prineville can be as self-sufficient as possible without requiring citizens to make excessive vehicle trips to other communities.
- Commercial projects that are aesthetically designed to blend in with the environment and are compatible with mixed-uses and residential areas will be encouraged over commercial developments that require large acreages and private parking fields.
- Existing strip commercial areas can be unsightly, unsafe, and create excessive vehicle trips. Successful development strategies should include methods for redeveloping and improving the curbside appearance and function of existing strip areas.
- New extensions of commercial strip areas shall be developed only when it can be proven that needed services could not be provided to the community without developing lands at the ends of the exiting strips. Such new extensions shall be designed as centers with shopping streets or lanes instead of direct highway access. Building setbacks in commercial strip areas shall be such as to minimize distances onto sidewalks and streets, thus encouraging safe and easy pedestrian and bicycle access.
- New commercial zones should be in areas where commercial and support services are needed and will thrive.

Finding 2B: This property has an existing building designed for a retail business that is aesthetically pleasing and can provide a commercial node for two existing subdivisions. While the City does have adequate commercial zoning much of it is underdeveloped or being used as residential. This size of building is not common in our commercial zones and is the primary reason for this proposed zone change. The applicant has expressed the desire to grow his business in Prineville and does not have the room do it at his current location on the Madras Hwy. He has also expressed the idea of being near an industrial zone to expand the warehousing side of the business thereby adding to the efficiency of this location. Staff finds that the proposal is consistent with these values and policies.

Goal # 5: Establish growth management tools and other strategies to pace land development with the ability to provide the required services within the community

Growth Management Community Values and Policies

- Prineville will need to utilize various planning strategies to accommodate growth and have a higher success rate for developing as intended and with minimum conflict.
- Development must “pay its own way” to reduce community subsidy and minimize the negative effects of growth.

Finding 2C: This plan amendment zone change will allow an existing business to expand within the City with the potential to expand again within the industrial zones. The change of use will have minimal conflict with existing uses and will be required to pay an additional traffic SDC for the increased impact of the use, thereby; “paying its own way”. Staff finds that the proposal is consistent with these values and policies.

City of Prineville Comprehensive Plan - Chapter 3: Natural Environment

Goal # 1: Protect and enhance identified Goal 5 resources and other features of the natural environment using a variety of methods and strategies

Natural Environment Values and Policies

- Local citizens desire to be good stewards of their community’s natural resources, including significant natural resource sites and natural hazards shown on the Prineville Goal 5 and 7 inventory.
- Riparian and wetland areas support important wildlife and ecology and should be retained and enhanced to the greatest extent possible. Wildlife habitat associated with rivers, creeks and wetlands will be protected by maintaining and enhancing riparian vegetation within significant riparian corridors.
- The creeks and rivers that traverse the community need special setback protection and corridor enhancement. Prineville has applied a three-tiered protection program that recognizes different levels of development that have occurred near Ochoco Creek, Crooked River, and the Hudspeth and Ryegrass Drainages.
- The Prineville community has long experience with damaging floods. Prineville will amend the floodplain ordinance to incorporate a “no net loss of flood storage capacity” standard. Significant riparian corridors and wetlands within the 100-year floodplain will have a high level of protection.

Finding 2D: The majority of this property is within the Natural Features Overlay District. With the existing building on site this property has little to no room for additional development. The floodplain, Ochoco creek and riparian areas have been preserved and there are regulations in place to protect them in the future. Finding 3E explains this in further detail.

City of Prineville Comprehensive Plan – Chapter 5: Economy

Goal # 1: Provide adequate industrial and commercial land inventories to satisfy the urban development needs of Prineville for at least the 20 year planning horizon.

Economic Values and Policies

- Updates to inventories and analysis of needed industrial and commercial land types, existing land supplies, and economic development strategies for meeting the requirements of the community are essential. It is necessary to provide adequate buildable industrial and commercial land for at least 20 years.
- Additional land is needed to support commercial and industrial uses. Where there are particular locational requirements for certain activities, amendments to the Comprehensive Plan may be necessary. Amendments should be evaluated in relation to all applicable policies of the Comprehensive Plan.

Finding 2E: This section of the Comprehensive Plan considers industrial and commercial land needs. This is also discussed further in Finding 3B. The Comprehensive Plan identifies an unmet commercial need of approximately 100 acres. The Ochoco Lumber mixed use zone has provided 74 acres of potential commercial however some of it is already being developed and not all of it will be commercial. The hospital has also purchased 30 acres of the mixed use zone for its own purposes. This still leaves a need for more commercial land. This zone change will only provide approximately 0.57 acres of buildable land. The loss of industrial land will be insignificant considering the property is already developed for a retail business. Staff finds that the application of the commercial zone on this site is consistent with the values and policies of this chapter as it will provide for additional commercial land to meet the city's 20-year need.

City of Prineville Comprehensive Plan – Chapter 6: Transportation and Circulation

Goal # 1: Create a functional transportation system to maximize and extend the life of transportation facilities and improve livability throughout the Prineville community.

Transportation Choices and Vehicle Alternative Values and Policies

General Transportation Street Network

- A transportation system that includes alternate modes in addition to vehicle needs is a State requirement. The term "Alternate Mode" includes anything, besides single occupant vehicles, capable of moving people and goods such as rail, pedestrian facilities, bike lanes, air transport, transit, and the like.
- Vehicle use is the primary form of transportation for the majority of its citizens, but increased alternate mode use is essential to the livability of the community and to preserve valuable resources.
- Alternate mode use is essential for providing a full complement of transportation choices and that land use regulations need to include an analysis of transportation impacts, needs, and mitigation options.

Finding 2F: These values and policies are generally addressed during development. The applicant has submitted a traffic study that shows an insignificant impact with regard to additional traffic. As for alternative modes, this proposal will provide a commercial node for existing subdivisions as well as local street access to the paved off highway path along the Madras Highway, further connecting additional residences to this area. Staff finds that this proposal increases the opportunities for alternate modes of transportation by putting commercial opportunities close proximity to residential uses.

Goal # 3: Create a supportable method for determining adequate and consistent transportation impact analyses, mitigation procedures, and transportation improvement options

Impact Analysis and Mitigation Values and Policies

- It is important to analyze the impact of development upon the community.
- Growth should pay its own way without community subsidy.
- All new projects must be evaluated to determine the impact of such development upon the transportation system in a fair and equitable manner. The cost of this analysis may be borne by the developer unless adequate information is already contained within a recent study available to the City.
- The current edition of the Institute of Traffic Engineers manual should be used for determining traffic impacts on the local street system. However, alternate sources of data may be accepted when the ITE manual does not supply adequate information to do a proper analysis.
- There will be situations where typical traffic analysis will include subjective analyses and flexibility to achieve community goals. It is understood that traffic impact studies and analyses are very complex. Such studies are often more often than not, an art, rather than science.

Finding 2G: The applicant has submitted a traffic impact analysis showing no significant impact to the site for the proposed use. Per that traffic analysis a traffic system development charge (SDC) for 5 additional trips will be assessed as part of the change of use.

SECTION 3: State Planning Goals

Goal 1- Citizen Involvement

To ensure the opportunity for citizen involvement in all phases of the planning process.

Finding 3A: Processing of this Comprehensive Plan Map and Zoning Map amendment is following the City of Prineville Code requirements which includes 35-day notice to DLCD, published newspaper notice, mailed notice to neighboring property owners within 250ft., a public hearing before the City Planning Commission and adoption by City Council. The process for this amendment meets the goal for citizen involvement. Staff finds the City's citizen involvement process to be consistent with Goal 1.

Goal 2- Land Use Planning

To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual base for such decisions and actions.

Finding 3B: The City of Prineville has developed a process that meets State guidelines to allow Comprehensive plan amendments and zone changes. Staff has had several meetings with the applicant and visited his existing store and the proposed new location. Staff feels that a Comprehensive plan amendment and zone change is appropriate at this location for the following reasons. First, the amendment and zone change is not a spot zone. The zoning will be contiguous with the commercial zoning along the highway, and the property does have some frontage along the highway where a sign could be located outside the floodway. Second, a commercial node is compatible with the area while a heavy industrial use would not be. The existing building was built for a retail furniture store that is still in business today and there is retail business across the street that is a farm, feed supply store (Wilco). While there is commercially zoned property along the highway most of it is currently used as residential with very few residentially oriented businesses. There are several residential areas that would be served by a commercial node on the east side of the highway, especially with the proposed grocery business. These areas include two subdivisions (90 lots) that are currently isolated by industrial properties. This property is also connected by an existing off street bike trail that runs the length of the highway to 9th Street, connecting additional neighborhoods with safe pedestrian access. Finally this amendment and zone change is also consistent with Goal 1 of Chapter 5 (Economy) of the City's Comprehensive Plan. The goal is to provide adequate industrial and commercial land inventories to satisfy urban development needs. The City has recently added hundreds of acres of light industrial lands as replenishment for developed acres and have many vacant light industrial lots. There are very few commercial properties that meet the needs of this the applicant's business to allow him to expand from his current location and allow him to expand further in the future. Converting a small light industrially zoned property to a commercial zone will not be detrimental to the light industrial land supply, but will provide needed commercial land with good access and a commercial building in the 5,000 to 10,000 square foot range that the City lacks. Staff finds this amendment to be in compliance with Goal 2.

Goal 3 - Agricultural Lands

To preserve agricultural lands for agricultural use.

Finding 3C: There are no agricultural lands involved in this amendment, nor are there any adjacent agricultural lands that could be impacted. Staff finds Goal 3 to be not applicable to this proposal.

Goal 4 - Forest Lands

To preserve forest lands for forest use.

Finding 3D: There are no forest lands involved in this amendment, nor are there any adjacent forest lands that could be impacted. Staff finds Goal 4 to be not applicable to this proposal.

Goal 5 & 7 - Open Space, Scenic and Historic Areas, and Natural Resources

To conserve open space and protect natural and scenic resources.

Finding 3E: The Property abuts Ochoco Creek and is within the 100 year floodplain and floodway. The portion of property encumbered by Ochoco Creek and ordinary high water mark is approximately 0.80 acres, leaving only 0.57 acres of usable space. At the time of construction a 25ft. setback from the ordinary high water line was required. The ordinary High water line was delineated on Partition Plat 2006-49 and the existing structure was built 25ft. or greater from that line. A letter of map revision removing the building from the floodplain and floodway was submitted to FEMA and approved, (case# 12-10-0432A). Other portions of the property still remain within the floodplain and floodway and are still subject to floodplain regulations. In 2009 the City adopted regulations addressing State Wide Planning goals 5, 6 & 7. This Ordinance is referred to as the Natural Features Overlay District and further regulates development near Ochoco Creek including an increase to the required setback to 50ft. With the existing building on site this property has little to no room for additional development. Staff finds these measures and protections to be sufficient to ensure compliance with Goal 5 & 7.

Goal 6 -Air, Water, and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Finding 3F: The City of Prineville has sufficient regulatory measures in place to ensure that subsequent development of the subject property will not produce unanticipated impacts resulting from the proposed amendment. Any identified potential impacts on air, water and land resources quality will be addressed and mitigated through review and approval of the Regulating Master Plan - it is only at time of actual project review and approval that the true impacts of such development can be identified, evaluated, and effectively mitigated. Therefore, staff finds the proposed UGB amendment is consistent with Goal 6. Staff finds this amendment to be in compliance with Goal 6.

Goal 8 - Recreational Needs

To satisfy the recreational needs of the citizens of the state.

Finding 3H: There are no recreational needs associated with this proposal. Staff finds Goal 8 to be not applicable to this proposal.

Goal 9 - Economy of the State

To diversify and improve the economy of the State.

Finding 3I: As mentioned in Goal 2, commercial properties with this type of access and building size in the 5,000 to 10,000 square foot range is needed in the City of Prineville. This is an existing business within the City that has outgrown its current location and has not been able to find another commercially zoned building that would meet the needs of the business. As also mentioned in Goal 2, this location would provide a commercial node and the proposed use of a discount grocery store on the east side of the highway that would serve an isolated residential area and provide safe pedestrian access to other residential areas on that side of the highway. As stated in the applicant's submittal letter the property provides a unique opportunity to purchase the vacant property to the east that would remain light industrial for the warehousing portion of his business. This opportunity would provide efficiencies in the business and the transportation system. Staff finds that this amendment is consistent with Goal 9.

Goal 10 • Housing

To provide for the housing needs of the citizens of the state.

Finding 3J: There is no housing component to this proposal. Staff finds Goal 10 to be not applicable to this proposal.

Goal 11- Public Facilities and Services

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 3K: The property has already been developed and is served by public facilities. Staff finds this amendment to be consistent with Goal 11.

Goal 12- Transportation

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

Finding 3L: ODOT and DLCD have been notified of the proposed amendment and the applicant has submitted a traffic study completed by Kittelson and Associates showing no significant effect to the current transportation system. Staff finds this amendment to be consistent with Goal 12.

Goal 13 - Energy Conservation

To conserve energy.

Finding 3M: As there is no specific development proposal as the property has already been developed. It is uncertain what, if any, impact the proposed amendment will have on energy usage. The potential for reduce vehicle trips due to nearby neighborhoods will help to conserve energy. Staff finds this amendment is consistent with Goal 13.

Goal 14- Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

Finding 3N: The proposed property is already developed with little room for additional development. Staff finds this proposal is consistent with Goal 13.

Conclusions and Recommendation

Based on the record of application AM-2016-103, including the findings in the staff report and public hearing held on October 18th 2016, staff has determined that the proposed Comprehensive Plan and Zoning Map amendments are consistent with the City's Zoning Ordinance and Comprehensive Plan as well as state Planning Goals, statutes and administrative rules. Therefore, staff recommends that the Planning Commission make a formal recommendation to City Council to approve the proposal as presented in this report.

Written by: Joshua Smith,
Senior Planner

8/9/2016

To whom it may concern:

I would like to have the zoning changed on the property located at 1220 NW Gardner RD, Prineville, OR 97754. It is currently zoned Light Industrial and I would like to have it changed to a Commercial zoning. Based on existing use I believe a Commercial zoning to be more appropriate than the current Light Industrial.

The subject property is 1.37 acres and has on it a 7,000 square foot building (of which 6,000 square feet is retail space and 1,000 square feet is warehouse space). The building was built for retail use. The building has been used for retail since it was originally built (currently furniture and appliances). It is not well suited for industrial or warehousing operations. There does not appear to be enough useable space on the property to construct any additional buildings. The subject property adjoins a commercially zoned area, has residences adjoining it, is in close proximity to a subdivision, and is across Gardner road from another retail business (Wilco).

If the zoning can be successfully changed it would allow my business to move to this location. Moving here would also give my business the potential to purchase the vacant adjoining property to construct a warehouse or small distribution center.

In addition, if the zoning was successfully changed so we were able to relocate our business, it would allow our current walking/pedestrian customers (which live on the east side of hwy 26) to access our location without having to cross Highway 26. Which would be both safer and more convenient. They could access us by way of the the bike path along highway 26 and Gardner Road.

In Summary: The subject property was built for and is currently being used for a retail business, and therefore the use and impact would not be majorly changing. It is not well suited to warehousing or industrial purposes. A zoning change would allow my business the opportunity to move into a well suited retail building, and give us the opportunity to expand by potentially purchasing the adjacent vacant property for a warehouse/distribution center. Furthermore, it would allow our customers safer and easier access to us by not having to cross Hwy 26.

Sincerely,



Jake Guynup, Manager

Grocery Bandit
P.O. Box 52
Powell Butte, OR 97753



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
PLANNING COMMISSION RECOMMENDATION

PC Hearing Date: October 18th, 2016
File No.: AM-2016-103
Applicant: Jake Guynup
Owner: Samantha Kline
Location: 1220 NE Gardner Road (Perfect for "U") Map & Tax lot 141636A 002500, also identified as parcel 1 of Partition Plat 2006-49.
Notice to DLCD: 9/12/16
Newspaper Notice: 9/27/16
Public Hearing: 10/18/16
Staff: Joshua Smith, Senior Planner

Proposal: The applicant is proposing to amend the Comprehensive Plan Map designation for this property from Heavy Industrial to Outlying Commercial and amend the City's zoning for this property from Light Industrial (M1) to General Commercial (C2). The purpose of the amendment is to allow the relocation of a retail grocery business (Grocery Bandit), whose use is currently not permitted in an industrial zone. Below is a 2014 aerial view of the property under review.

Findings Summary: Staff finds that the requested plan amendment and zone change is a reasonable and appropriate request. The proposal will add needed commercial zoning without a significant impact to the current industrial zone and maintains protection of the Natural Features Overlay District. This proposal will create a commercial node near existing residential homes and an existing off highway path that further connects the proposal to residential areas. The proposal allows an existing business to expand its operations now and into the future, but also ensures that development pays its own way by assessing traffic SDC for the additional impact to the site from the previous use.

Staff Conclusions and Recommendation

Based on the record of application AM-2016-103, including the findings in the staff report and public hearing held on October 18th 2016, staff has determined that the proposed Comprehensive Plan and Zoning Map amendments are consistent with the City's Zoning Ordinance and Comprehensive Plan as well as state Planning Goals, statutes and administrative rules. Therefore, staff recommends that the Planning Commission make a formal recommendation to City Council to approve the proposal as presented in this report.

Planning Commission Recommendation

Based on staff findings and conclusions and the public hearing held on October 18th, 2016, the Planning Commission recommends this amendment be approved by City Council.

EXHIBITS

Exhibit A - Current Tax map

Exhibit B - Comparison of Current and Proposed Comprehensive Plan Map

Exhibit C - Comparison of Current and Proposed Zoning Map

Marty Bailey:  Date: 10-18-16
Planning Commission Chair