



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
STAFF REPORT

Prineville Planning Commission Final Decision

Hearing Date: October 18, 2016

City File No.: CU-2016-106

Applicant/Owner: Smith Landing LLC

Newspaper Notice: Planning Commission Notice – 9/9/16.

Public Hearing: Planning Commission - 9/20/16.

Staff: Phil Stenbeck, Planning Director

Applicable Criteria: City of Prineville Land Use Code Chapter 153.009, 153.014, 153.020, 153.037, 153.038, 153.060, 153.081-153.083(J), 153.135-153.138 and Chapter 153C.

Findings of Fact:

1. **Location:** 141631A0-00100.
2. **Address:** 1965 N Main Street, Prineville, OR 97754.
3. **Proposal:** The proposed project is a Temporary Worker Housing Site (RV Park Style) Project (100 spaces) on 45.91 acres of land that is zoned Light Industrial (M1) with potentially additional phased RV Park development to follow. If approved, subsequent to this application the applicant intends to also apply for a Plan Amendment to City Residential and a Zone Change to City General Residential (R2) making this into a permanent RV Park.
4. **Zoning:** The subject property is zoned City Light Industrial (M1) and is designated as Heavy Industrial in the City's Comprehensive Plan.
5. **Lot of Record:** The property has been determined to be a legal parcel by deed.
6. **Site Description:** The property is 45.91 acres with no buildings. A 2014 aerial photograph of the property is found on page 2.

7. **Comments:** During the notice period the City received agency comments with no opposition to the proposal, however; building and fire code will need to be met. City staff also received letters from three adjacent property ownerships and discussed concerns by the neighbors.

The property owners asked what the future use of the property will be when it's not being rented for workers of the data centers, where will the NW Peters Road extension go, will there be screening and fencing, and questions about code enforcement should it be needed, and will there be an on-site manager in the Temporary Worker Housing Site.

Staff indicated the applicant will also be proposing a plan amendment and zone change to a residential zone. The zone change will also include an additional request to make the site into a permanent RV Park with an additional 60 spaces as a future use for the property.

8. **Findings Summary:**

The applicant is proposing a 100 space Temporary Worker Housing Site to accommodate the current demand for worker housing due to data center development. The city's Land Use Code Chapter 153C provides an opportunity for this type of request for up to 100 spaces. Although it meets the criteria for a Temporary Worker Housing Site found in Chapter 153C, it closely matches the Recreational Vehicle Park Requirements found in Chapter 153 and does require a Type II conditional use permit approval from the Planning Commission. The approval process does require a traffic impact assessment (TIA) and improvements to the road system as determined by the TIA and the City's Engineer. The primary issue with this proposal is the east-west extension of NW Peters Road which connects to Main Street on the east and private property on the west. The project is not expected to exceed resource carrying capacities. System Development Charges (SDCs) for water, sewer and transportation will be required. The Planning Commission approval requires identification of where the 80 foot road right-of-way for the NW Peters Road extension is located. The Planning Commission approval finds the location of the needed NW Peters Road extension to begin on the east boundary of the Smith Landing LLC property where it joins North Main Street at a width of 80 feet, and continuing at 80 feet along the north edge of the Smith Land LLC property until it terminates on the west edge of the Smith Landing LLC property where it intersects at a width of 80 feet with the property owned by the James and Linda Smith Trust, and on the north side where it intersects at a width of 100 feet with property owned by the Patricia Rhoden DeBoard Trust. All necessary improvements are to meet building and fire code and the applicant shall meet all applicable City of Prineville Ordinances including the Transient Lodging Tax.

9. **HEARING SUMMARY:**

Staff - Staff gave a power point presentation at the first hearing on September 20, 2016, at which time the project was discussed. The Planning Commission chose to close the September 20, 2016 hearing after testimony was taken and three letters were entered into the record. This action was taken to give time for staff to respond to the letters in the record and for the Planning Commission to have time to review and think about the contents of the letters. The Planning Commission asked questions about how many worker housing units have been approved, and how the length of approval is to be addressed. The City Engineer Eric Klann commented on the long term development requirements needed for a temporary project approval, and emphasized how

important future infrastructure planning is to development, with special emphasis on the needed improvement to the North Main Street and NW Peters Road extension. At the October 4, 2016 hearing staff mentioned the OID/BOR line map submitted by the BOR and the letters from neighbors. Staff mentioned the applicant's exhibit needs to extend the NW Peters Road right-of-way to the west where it touches the Smith and DeBoard properties and explained how the staff report answers the questions in the neighbor letters. Staff went on to say the road development process will be three parts. Part 1 is to identify where the NW Peters Road extension is located with this request, Part 2 is for the right-of-way to be dedicated with the request for a plan amendment and zone change to residential and Part 3 being the requirement to build the road with the 160 space RV Park request.

Applicant - The applicant reviewed the history of the property from 2006 to today and discussed how the City's Comprehensive Plan has identified this property as potentially residential land. The applicant then went on to discuss the future applications that will be submitted to change the property to a residential zoning and a request for a permanent RV park application to make it a 160 space RV Park as shown in the application. The applicant mentioned a number of media sources that have had articles about the worker housing shortage and he also mentioned mobile homes would not be allowed in RV Park and would do his best to keep the dust down and would discuss a fence and or landscaping to buffer neighbor properties.

Public Comments - Donna Finucane testified she grew up next to the property and spoke to RV sales and the need for RV parks and the future NW Peters Road extension.

Bruce Smith indicated that he is not opposed, but right in the middle, and wanted to make sure the property does not negatively affect property value and can a single wide be brought in to an RV Park. Does not want a single wide unpleasant looking RV Park to be built. Bruce also wanted to verify sewer capacity would still be available for development of his property.

Andy Randall indicated that he is not opposed, but requests a privacy fence and something to keep the dust down.

Planning Commission - Kim Kambak made a motion to close the September 20, 2016 hearing and continue it to the October 4, 2016 Planning Commission hearing. The motion was seconded by Deb Harper, which the Planning Commission unanimously approved by vote. At the second hearing on October 4, 2016, the Planning Commission Chair asked if the NW Peters Road right-of-way extension is consistent with the City TSP which staff indicated it is consistent with the City's TSP. Staff responded to questions from the Planning Commission pertaining to the future road improvements to the Peters Road/Main Street intersection, how the City's SDC program assists in future development of the intersection, and that there will be an onsite manager for the Temporary Worker Housing Site.

Decision - Deb Harper made a motion to approve the 100 space Temporary Worker Housing Site request as presented in the staff report and record for CU-2016-106. The motion was seconded by Bob Orlando. The Planning Commission unanimously approved the request by a vote of 5 in favor and 0 opposed with two Planning Commissioners absent.

Conditions of Approval: Application CU-2016-106 to allow the Temporary Worker Housing Site in an M1 zone is **APPROVED**, subject to the findings stated in the staff report, those conditions contained within and the following conditions of approval set forth below:

CONDITIONS OF APPROVAL

1. The applicant shall comply with the Fire Department requirements for fire flows, sprinkler systems, fire hydrants, address signs and Knox Box locks and all other UFC requirements. Buildings proposed are to be sprinkled. If not sprinkled other infrastructure may be needed to provide adequate fire flows and building uses may be limited.
2. The applicant shall comply with the site plans as submitted and any alteration to them through the public hearings process. Any modifications of the site plan after approval shall be reviewed by City staff for compliance with City code and this approval. Major modifications as determined by the City Planning Director will require a modification application.
3. All signs shall meet the code requirements of the City's sign code found in Chapter 152.
4. The applicant shall pay all applicable water, sewer and transportation system development charges (SDCs) prior to issuance of a building permit. The SDC for traffic is based on the applicant's traffic study. Water and sewer SDCs will be based on the number and size of the water meters needed to serve the development.
5. The applicant shall construct all onsite improvements as shown in the submittal for the first 100 spaces identified in the site plan and as required by City Code and Standards prior to occupancy. These improvements include but are not limited to onsite drainage facilities, landscaping, internal sewer and water services and fire suppression requirements, weekly trash service and N Main Street and NW Peters Road improvements as found in the TIA and dedication of the NW Peters Road right-of-way as found in Finding 3.
6. The applicant shall connect to City Sewer and Water and construct any public or private infrastructure necessary to do so, to City Standards.
7. The applicant shall submit construction drawings for public infrastructure for review and sign off by the City Engineer per the City's Standards and Specifications and pay the appropriate fee for the review.
8. The applicant shall landscape the areas identified in the site plan per the submitted landscape plan. Modifications shall be reviewed by the City for consistency and intent of the original plan.
9. The applicant shall provide paved access and parking as proposed, that is properly marked including designated ADA spaces.

10. Applicant shall secure any and all city, county and state permits required for the proposed development, including, but not limited to all Crook County Building Department permits, a 1200-C stormwater permit if required by DEQ and licensing found in ORS 446.321 with the Oregon Health Authority (OHA).
11. As suggested by the applicant, a follow up application for a plan amendment and zone change to a residential designation, shall also include a sight plan for any additional RV spaces which will run concurrently and be treated as a major expansion of the existing use. The application may require additional SDCs, and City Engineer review and approval of access and additional parking requirements.
12. The proposed development has 30.1 acres of Ochoco Irrigation District water right which shall be transferred off prior to development if the temporary development is going to be in place longer than 4 years and/or if permanent structures are going to be placed over water rights. Water can remain and be used to irrigate open areas etc., but this shall require approval by the District. All fees associated with transfer are the responsibility of the Developer. The developer shall also use an approved pump facility from Ryegrass Canal if Irrigation water is to remain in use on the site. The developer shall also coordinate with OID about the irrigation water delivery pipeline that runs parallel to the Northern boundary of the property, so that disturbances or construction do not jeopardize the integrity of the pipeline and or delivery structures.
13. 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. If plantings fail to survive, it is the responsibility of the property owner to replace them.
14. No structure or land shall be occupied or used for any purpose which creates or causes to be created any public nuisance, including but not limited to excessive odor, dust, noise, vibration, flashing light or any hazard to the general health, safety and welfare of the area. Should a nuisance be declared the owner shall correct the issue in order to bring the development back into compliance with City Ordinances.
15. The applicant shall not allow onsite lighting to shine directly onto adjoining properties or public rights-of-way.
16. The applicant shall maintain all storm water drainage on site and not allow it to flow onto neighboring properties or public rights-of-way. Should storm water become an issue additional drainage basins or swales shall be provided to retain runoff by the landowner.
17. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances.
18. The City of Prineville finds that it shall be a condition of approval that this approval is limited to two years at which time the infrastructure for water, sewer and electrical shall be removed or capped if a land use approval for continuing the use is not approved outright or by conditional use permit in the zone.

19. The City of Prineville finds that it shall be a condition of approval that a covenant provided by the City shall be signed by the property owner and kept with this file that indicates the approval is limited in time to two years unless extended by the City Planning Commission or the property receives approval of a plan amendment and zone change.
20. The City of Prineville finds it shall be a condition of approval that any land use application requests subsequent to this approval shall comply with all City Standards including to and through standards.
21. The Temporary Worker Housing Site approval can be extended one time for up to 1 year with good cause by applying at least thirty days prior to the expiration of the approval. The Planning Commission shall have the authority to approve the one year extension of the Temporary Worker Housing Site approval.
22. It shall be a condition of approval that any extension to this request, which is valid for two years from the date the decision is signed by the Planning Commission, shall go before the Planning Commission for approval of an extension.
23. Staff finds that the applicant shall keep a record of the occupancy and for whom they work for City staff review should the need arise.

THIS DECISION BECOMES FINAL ON OCTOBER 31st, 2016 AT 5:00pm, TWELVE (12) DAYS FOLLOWING THE SIGNING OF THIS DECISION UNLESS APPEALED BY A PARTY OF INTEREST.

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