



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
STAFF REPORT
1ST EXTENSION OF CU-2016-106

APPLICATION NUMBER: Ext-2017-100

**ORIGINAL APPROVAL
AFTER APPEAL PERIOD:** October 17th, 2016

APPROVAL EXPIRES: October 17th 2018

PROPOSED EXTENSION ENDS: October 17th, 2019

APPLICANT/OWNER: Smith Landing LLC
1965 N Main Street
Prineville OR 97754

REQUEST: Extension of Temporary Worker Housing Site,
CU-2016-106

LOCATION: Property located on the west side of North Main Street
near the intersection of N Main and Peters Road. The
property is addressed as 1965 N Main Street. Map tax
lot#141631A000100.

PROJECT REVIEWER: Casey Kaiser
Associate Planner

PROPOSAL:

The applicant is requesting a one year extension of application CU-2016-106. The applicant applied for, and was approved for the development of a temporary worker RV park for housing workers from the large data center projects. That approval was valid for 2 years through October 17th 2018.

The applicant states the following in the application for the extension as reasoning for approval:

1. Actions taken to fulfill conditions of approval:

Applicant and applicant's developer, have continued to work with general contractor & sub-contractor of both major data center developers to monitor the need for work force housing which has started back up in 2018. Applicant's developer has completed

its final design of a 100 space RV in accordance with approved CUP, and is now finalizing underground engineering and conditions of approval.

2. Reasons for not continuing development:

Applicant requests a one year extension of Conditional Use Permit File # CU-2016-106, dated 10/18/16, as allowed by paragraph 22 in the conditions of approval. The reason for this extension request is due to the fact that subsequent to the approval in 2016, the demand for worker housing due to data center development subsided due to a lack of power. Power has once again been restored and data center construction has once again picked up, justifying the cost of the development, and the extension is required to complete the engineering and design of 100 space park.

APPLICABLE CRITERIA:

Criteria: § 153.259.010 Expiration of approval

C. Extensions.

- 1. The Planning Director may grant one extension of up to one year for a land use approval or a phase of a land use approval, regardless of whether the applicable criteria have changed, if:***
 - a. An applicant makes a written request for an extension of the development approval period;***
 - b. The request, along with the appropriate fee, is submitted to the City prior to the expiration of the approval period;***
 - c. The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period; and***
 - d. The City determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not responsible, including, but not limited to, delay by a state or federal agency in issuing a required permit.***
 - e. All fees charged to the project have been paid.***

Criteria: Condition #22 of application CU-2016-106

- 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.***

Finding 1: In the case of this original application CU-2016-106, condition 22 specifies that any extensions of that approval must be granted by the Planning Commission. Therefore, the Planning Director may not make a decision on this application. The criteria above still applies for the Planning Commission to make a decision.

Criteria: Condition #2 of application CU-2016-106

- 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.

Finding 2: Condition #2 of the original approval CU-2016-106 is a standard condition that allows the Planning Director to make the determination between a major and minor modification. This helps speed up projects when adjustments need to be made during the engineering or construction phases so long as the modifications adhere to the land use code, conditions of the application and or intent of the Planning Commission.

The applicant has submitted an alternative plan with this extension application showing a modification that one developer is considering. From Staff's perspective this is a minor modification that simply moves what could have been developed from the upper portion of the parcel near the existing homes to the lower portion and reduces the impact to the neighboring properties. As the approval body for the extension you may decide that this is a major modification requiring a new application and hearing.

If the extension is granted staff would recommend a condition requiring an updated traffic analysis. Over the past two years since the initial approval of CU-2016-106 there has been substantial development in the surrounding area potentially changing the traffic patterns on North Main and at the Peters Road intersection. It is the opinion of planning staff that it would be prudent to require the applicant to complete an update to his original traffic study.

It should also be noted that without an extension of this application or the Commission allowing a new application as a modification, the applicant would lose the ability to develop a temporary worker RV park on the upper portion of the property because the zone has been changed to a Residential R2 zone. Only the lower portion that is still zoned Light Industrial M1 would be eligible for a new application.

Planning Commission Considerations:

In considering application EXT-2018-100 Planning Commission has several options.

1. Approve the extension only based on the original design on the upper portion of the property and require the applicant apply for a modification application or an entirely new application.
2. Approve the extension based on both the original and modified plan, essentially allowing the modified plan as a minor modification but also leaving the option of the original plan.
3. Approve only the modified plan as part of the extension, essentially abandoning the idea of a temporary RV park on the upper portion of the property.
4. Deny the extension request.

If Approved Staff Recommends the Following Conditions of the Extension:

1. This extension shall be valid until October 17th 2019, one year from the date the approval expires.
2. The applicant shall complete an updated Traffic analysis and present the results to the City of Prineville Planning and Engineering departments prior to approval of public infrastructure improvements.
3. The Temporary RV Park may be relocated from the R2 Zone where it was shown to be located in the original approval, to the M1 Zone portion of the property as shown in the submitted modified proposal. A Permanent RV Park or residential development shall not be permitted on the M1 Zoned portion of the parcel.
4. The applicant shall comply with all of the original conditions of application CU-2016-106.

Casey Kaiser

Date: 09/11/2018



Associate Planner