



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

APPLICATION DATE: January 28th, 2019

HEARING DATE: February 19th, 2019

PROJECT NUMBER: CU-2019-100

APPLICANT: Fortis Construction

OWNER: Holliday Holdings, LLC.
402 SW Parrish Lane
Powell Butte, OR 97753

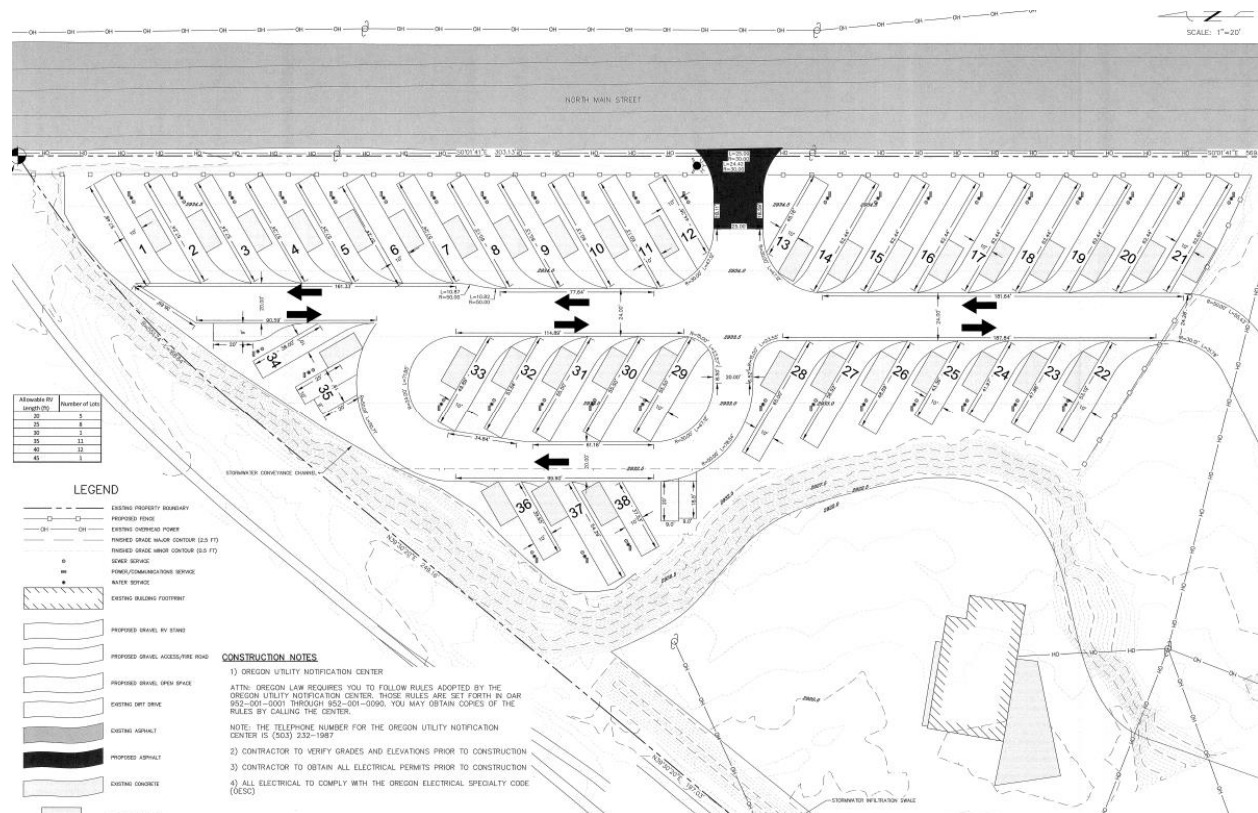
PROJECT REVIEWER: Casey Kaiser, Associate Planner

APPLICABLE CRITERIA:

City of Prineville Code of Ordinances, Title XV – Chapter 153 – Sections: 153.009, 153.014, 153.020, 153.038, 153.081 - 153.096, 153.135 – 153.138, 153.190 – 153.200 - Title XV – Chapter 153C - 153C.001-153C.004, 153C.006

FINDINGS OF FACT:

- 1. LOCATION:** Map 14-16-31A Tax Lots 00200 & 00300
- 2. PROPOSAL:** The applicant is proposing a 38 space Temporary Worker Housing RV Park. Site plan image below



3. **ZONING:** The subject property is within the City, zoned (M2) Heavy Industrial, and designated as heavy industrial development land in the City's Comprehensive Plan.
4. **LOT OF RECORD:** The property has been determined to be a legal parcel by deed.
5. **SITE DESCRIPTION:** The RV park development will span two separate tax lots (00200 & 00300) whose combined acreage totals ~8.3 acres. The RV park development includes ~2.2 acres. Currently Prineville Disposal is located on and operating from a portion of tax lot 00300 and will remain in operation at its current location. Tax lot 00200 is currently bare, unimproved land. The RV park development is proposed to occupy the vacant, unimproved portions of tax lots 00200 and 00300. (2018 aerial image below)
6. **COMMENTS:** There were no comments received from neighboring properties prior to the staff report.



7. FINDINGS SUMMARY: The applicant is proposing a 38 space Temporary Worker Housing RV Park. Chapter 153C of the City of Prineville Land Use Code allows this type of development in the Industrial Zones. The proposed project is located in the M2 zone and is therefore allowed as a Type II Conditional use. Staff finds the proposal does meet or can meet the basic requirements of Chapter 153C for a Temporary Worker Housing RV Park and other relevant portions of Chapter 153. The applicant "Fortis Construction" meets the application requirement as a primary general contractor of the large ongoing data center projects in Prineville. The applicant's proposal is meeting the design requirements of Chapter 153C. The project is not expected to exceed resource carrying capacities. System Development Charges shall be paid for sewer, water and transportation as applicable. The applicant proposes to connect the RV Park to City water and sewer as required. Any public infrastructure improvements necessary to connect to sewer and water shall be constructed by the applicant to City standards, including any infrastructure required by the Fire Department for fire protection purposes. All storm water shall be maintained onsite. Any modification of the submitted site plans shall be reviewed by the City for consistency and intent of the original plan.

Criteria: 153.009 COMPLIANCE WITH OTHER RULES AND REGULATIONS.

(A) Approval of any use or development proposal pursuant to the provisions of this chapter shall require compliance with and consideration of all applicable city, county, state and federal rules and regulations.

(B) The compliance shall be evident prior to the final approval of any affected land use or development proposal; for example, the compliance may be set forth as a condition of final approval.

(C) Specific city, county, state and federal rules and regulations that may affect a specific land use or development for which compliance therewith is required if applicable include, but are not necessarily limited to the following.

(1) Air quality standards administered by the State Department of Environmental Quality (DEQ) and/or the Federal Environmental Protection Agency (EPA).

(2) Noise pollution standards administered by DEQ and/or EPA.

(3) Water quality standards administered by DEQ, state Water Resources Department (WRD) and/or EPA.

(4) Sewage disposal regulations administered by DEQ, County Environmental Health and/or EPA.

(5) Solid waste disposal regulations administered by DEQ and/or EPA, including those applicable to hazardous wastes.

(6) Uniform Building Code administered by the City-County Building Department and State Building Codes Agency.

(7) Surface and ground water withdrawals regulated by WRD.

(8) Scenic area rules administered by the State Highway Division (OSHD), state parks and/or other state or federal agencies.

(9) Access control and management regulations administered by OSHD and/or the County Road Department.

(10) Surface mining regulations administered by the State Department of Geology and Mineral Industries (DOGAMI), DEQ and other state or federal agencies.

(11) Wild and scenic river regulations administered by the State Parks and Recreation Department (OPRD), the U.S. Bureau of Land Management (BLM) or other state and federal agencies.

(12) Cut and fill, and wetland regulations administered by the Division of State Lands (DSL).

(13) Fish and wildlife habitat protection rules administered by the State Department of Fish and Wildlife (ODFW) and/or the U.S. Fish and Wildlife Department (USFW).

(14) Applicable City and/or County ordinances, resolutions, agreements, regulating master plans or other land use decisions.

Finding 1: There may be rules and regulation at a State and Federal level that the applicant is required to comply with. City approval of this project does not supersede those requirements.

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.*

Finding 2:

A) The proposal is compatible with the Comprehensive Plan by providing for needed worker housing to support economic development.

B) The property is currently zoned Heavy Industrial (M2). The City finds the proposal is in or can be in compliance with the applicable M2 zone as a conditional use and as allowed in Chapter 153C of the City Land Use Code. The proposal is meeting or can meet applicable provisions through conditions of approval.

C) The City is not aware of any other required approvals or permits from other local, state or federal agencies other than the Crook County Building Department.

D) There are specific standards for temporary worker housing RV parks listed in Chapter 153C that are discussed further in Finding 5.

E) The facility is not expected to exceed resource carrying capacities for sewer, water or traffic.

F) All uses are required to comply with local, state or federal pollution standards. If it is identified that such standards are being exceeded, measures shall be taken to come back into compliance.

Criteria: 153.085 OFF-STREET PARKING AND LOADING: PROVISIONS AND REQUIREMENTS.

(B) Applicability. *Unless exempted by this section, all construction, reconstruction, enlargement of a structure or at the time a use is changed in any zone off-street parking facilities shall be provided in accordance with the requirements set forth by this section and section 153.086*

(D) Specific Parking Requirements by Zone.

(a) *No specific requirements; the number of spaces required are listed in the table below; spaces shall meet City standards.*

(5) M-1, M-2 and IP Zones. *All parking demand created by any use permitted in this zone shall be accommodated entirely on-site or off-street on another area or adjoining site shared by one or more uses permitted in this zone. The location of any off-site parking area that requires pedestrians to cross an arterial or major collector street or highway to obtain access to the subject use is prohibited.*

RV Park (Public or Private)	1 auto + RV space for each designated place and 5 guest spaces.
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Finding 3: The applicant is providing 1 auto + RV parking space for each designated RV space and 5 additional guest spaces. The proposal is meeting the parking requirements.

Criteria: 153.136 SPECIFIC CONDITIONS.

In addition to the standards and conditions set forth in a specific zone, this subchapter, this chapter and other applicable local, county, state and/or federal regulations, additional conditions may be imposed which are found to be necessary to avoid a detrimental impact on adjoining properties, the general area or the city as a whole, and to otherwise protect the general welfare and interests of the surrounding area, the city as a whole and the general public. No condition may be imposed which violates federal or state law with regard to needed housing. The conditions may include, but are not limited to, the following.

(A) *Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restrictions to minimize environmental impacts such as noise, vibration, air or water pollution, glare and odor.*

(B) *Establishing a special setback or other open space requirements, and increasing the required lot size or other dimensional standards.*

(C) *Limiting the height, size or location of a building or other structure or use.*

(D) *Increasing street width and/or requiring improvements to public streets and other public facilities serving the proposed use, even including those off-site but necessary to serve the subject proposal.*

(E) *Designating the size, number, improvements, location and nature of vehicle access points and routes, and requiring pedestrian and/or bicycle ways.*

(F) *Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor or security lighting, and the intensity and/or direction thereof.*

(G) *Requiring diking, screening, fencing or other improvements or facilities deemed necessary to protect adjacent or nearby properties, and establishing requirements or standards for the installation and maintenance thereof.*

(H) *Protecting and preserving existing trees, other vegetation and water, scenic, historic, archaeological, unique, landmark or other natural or manmade significant resources.*

Finding 4: Applicant proposes to construct sight obscuring fencing around the RV park development as shown in the applicant's submitted site plan.

Criteria: 153.083 STANDARDS FOR SPECIFIC USES.

A use shall comply with the standards of the zone in which it is located, with the specific standards that may be applicable thereto as set forth by this section, with any additional standards and conditions that may be set forth by the reviewing authority and with any other applicable local, state and/or federal regulations.

(G) **Temporary Worker Housing.** *See Chapter 153C for Onsite and Offsite Temporary Worker Housing.*

Finding 5: The applicant's proposed development is an offsite Temporary Worker Housing RV Park which is regulated under Chapter 153C

Criteria: 153C.003 APPLICATION.

(A) The City of Prineville must be provided an application on a form acceptable to the City for development of a Temporary Working Housing Site.

(1) The written application shall come from either the land owner of the project, the company for whom the project is being built, or from one of the primary general contractors or sub-contractors for a project, here after referred to as (the "Applicant").

(2) The term "project" shall mean the development for which the Temporary Worker Housing is for.

Finding 6: Fortis Construction is the applicant for the proposed development and is one of the primary contractors for a large data center construction project. Staff finds that both the applicant and the project meet the application criteria.

Criteria: 153C.004 GENERAL CRITERIA

(A) Approval of Onsite or Offsite Temporary Worker Housing may only be granted if the following conditions are met.

(1) There is no available space or inadequate space available in existing or planned housing developments, RV parks or other Temporary Worker Housing Sites for which construction has commenced within a reasonable distance.

(2) The temporary housing is necessary for the proper housing of the subject company's employees until the project is finished.

(3) The subject facility will not be occupied by any parties not employed by the project other than immediate family.

(4) There is an identified housing shortage in the area, due to the size of the subject project to be served.

(5) The facility shall not be permitted for a period to exceed the time required to provide temporary housing for the project to be served thereby, or for a period determined by the City, whichever is less. (see sections 153C.005 or 153C.006 for duration of approval)

Finding 7: Large data center projects in Prineville are consistently bringing large numbers of temporary workers to the community. The numbers of temporary workers generally fluctuate from 600-1,100 at any given time. This large influx of temporary workers has created an identified housing shortage in the community. The housing shortage has resulted in challenges for residents relocating, as well as an inflating the cost of rental housing in our community. The applicant is proposing to only rent to employees of the data center construction projects and only for the period of time the projects persist.

Criteria: 153C.006 (A) (1) OFFSITE TEMPORARY WORKFORCE HOUSING

The City may approve an Offsite temporary RV park for the establishment of housing for the workers of a specific project that meets the following criteria.

(A) Approval of Offsite Temporary Worker Housing may only be granted if the general criteria and the following conditions are met.

(1) Offsite Temporary Worker Housing is only available for a project:

(a) With a projected value of \$10,000,000.00 or greater as calculated by the Building Official, not including land value and has a valid land use approval and building permit for the project;

(b) That currently employs more than 200 construction workers at the project site;

Finding 8: Staff finds that each data center building that is constructed has a projected value of well over the \$10,000,000 threshold and consistently employ more than 200 workers during construction.

Criteria: 153C.006 (A) (2) OFFSITE TEMPORARY WORKFORCE HOUSING

(2) Each Temporary Worker Housing Site:

- (a) Shall be located in the Light Industrial (M1), Heavy Industrial (M2), or Industrial Park (IP) zones;*
- (b) Shall be served by weekly trash removal service;*
- (c) Shall be located on a parcel of land at least six acres in size;*
- (d) Shall be located no closer than 600 feet from an industrial structure already built or being built unless approved otherwise by the Fire Marshall.*
- (e) Shall comply with City, County and State access permit requirements as applicable;*
- (f) Shall consider future development of the site in placement of required infrastructure.*
- (g) Shall pay City room tax if applicable for each space at a Temporary Worker Housing Site equal to and using the same process as the City's transient room tax requirements.*
- (h) Shall pay City System Development Charges (SDCs) as determined by the City Engineer. Paid SDCs shall be credited toward future development in accordance with City policy.*

Finding 9:

- a) The proposed temporary worker housing RV park is located in the M2 Zone
- b) The applicant is proposing weekly trash removal service
- c) The proposed development spans two contiguous tax lots totaling 9.2 acres
- d) Crook County Fire Marshal has reviewed the proposed project and provided their requirements to the applicant
- e) The applicant is proposing to construct an access off N. Main to City Standards.
- f) City water and sewer lines are being located to effectively serve future development of the site.
- g) Applicant is not proposing short term rental sites that would trigger the requirement to pay transient room tax. However the applicant will be required to pay transient room tax if applicable using the same process, and in the same amount required by the current city transient room tax requirement.
- h) The applicant shall pay all applicable water, sewer and transportation system development charges (SDCs) prior to issuance of a building permit. Water and sewer SDCs are based on the size of needed water meters. The traffic SDC would typically be based on the Institute of Transportation Engineers (ITE) Trip Generation Manual assuming 80% occupancy of the site. The manual shows a trip generation of 0.27 per occupied site. However the previous uses on the site generated traffic impacts equal to or greater than the proposed use. Previous uses of the site included a lumber and planing mill, office building, agricultural equipment repair and storage facility, fuel distribution facility, and a produce sorting and packing facility. Based on these previous uses no additional transportation system SDCs will be assessed for the proposed development.

Criteria: 153C.006 (A) (3) OFFSITE TEMPORARY WORKFORCE HOUSING

(3) Each Temporary Worker Housing Site RV Space:

(a) Shall be occupied by at least one worker employed by the landowner of the project, the company for whom the project is being built, or from the primary general contractor or sub-contractor for the project being built;

(b) Shall be served by a road, electricity, water and sewer as approved by the City Engineer, in accordance with Oregon Building Code requirements as approved by the Building Official, in accordance with the Oregon Fire Code as approved by the Fire Marshall and Recreational Vehicle Park requirements as required by Oregon law;

Finding 10: The applicant is proposing and is required to rent each site to at least one worker employed by Fortis Construction or sub-contractors of the project, or data center construction projects in general. Applicant is proposing to serve the site by a single access point off N. Main that has been approved by the City Engineer. The applicant is proposing city water and sewer services to the development as reviewed by the City Engineer. Applicant is proposing to and is required to meet Oregon Fire Code and Recreational Vehicle Park requirements.

Criteria: 153C.006 (C) OFFSITE TEMPORARY WORKFORCE HOUSING

(C) Duration of Approval.

(1) The Temporary Worker Housing site may continue to operate until the project is deemed complete by the City Manager or its designee. Evidence of project completeness may include, but is not limited to, the issuance of a Certificate of Occupancy by the Crook County Building Department.

(2) At such time the project is deemed complete, and within 90 days, the Temporary Worker Housing shall be removed and the infrastructure for water, sewer and electrical shall be removed or capped if not designed for a future development allowed outright or by conditional use permit in the zone.

(3) The Temporary Worker housing Site may be reauthorized by the City for a new project that meets the same criteria for need, without a new application. Reauthorization shall require a letter of need from either the land owner of the project, the company for whom the project is being built, or from one of the primary general contractors or sub-contractors for a project.

(4) Approvals of Temporary Worker Housing projects prior to the adoption of this ordinance shall be allowed to comply with the new standards.

(5) In the event that a Temporary Housing Unit is not removed pursuant to Section 153C.006(C)(2); or reauthorized pursuant to Section 153C.006(C)(3), the City may in addition to other legal remedies, seek injunctive relief through Circuit Court of Crook County and if the City prevails, the offending party shall be responsible for all costs and attorney fees in the enforcement action.

Finding 11: The data center building construction is an ongoing project. As one building is nearing completion, generally construction begins on the next building. At the time of application one 960,000 sq. ft. data center building is under construction while the site work is beginning for the next similar sized data center building. Generally as the construction of one building finishes, the workers simply move to the next building. Staff anticipates the proposed temporary worker housing RV park will continue to serve the workers beyond the building currently being constructed. Staff finds the proposal meets the intent of the code if it continues to serve the housing needs of the temporary workforce as long as the construction of data center buildings continues.

Recommended Conditions of Approval: If approved the following conditions are recommended for application **Cu-2019-100** to allow a Temporary Worker Housing RV park in the M2 zone. Such an approval is subject to the submitted plans, findings stated in the staff report, those conditions contained within and the following conditions of approval set forth below:

RECOMMENDED CONDITIONS OF APPROVAL

General Conditions

1. The applicant shall comply with the Fire Department requirements for fire flows, fire hydrants, address signs, Knox Box locks and all other UFC requirements including providing an additional access point for fire safety vehicles.
2. The applicant shall comply with the site plan as submitted, or as altered 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 will require a modification application.
3. The applicant shall make all required street improvements to include constructing a paved access apron off N. Main to City of Prineville Standards.
4. The applicant shall dedicate the eastern most 10' of the property along N. Main to the City of Prineville for public infrastructure improvements required by the proposed project and for future public infrastructure improvements.
5. The applicant shall pay all applicable water and sewer system development charges (SDCs) prior to issuance of a building permit. Based on the previous uses of the site no additional transportation system SDCs will be assessed for the proposed development.
6. The applicant shall construct all onsite improvements as shown or described in the submittal prior to occupancy. These improvements include but are not limited to, power, paved access apron, drainage facilities, screening, water and sewer connections.
7. The applicant shall connect to City Sewer and Water and construct any public or private infrastructure necessary to do so to City Standards.
8. The applicant shall provide paved access and parking as proposed. This includes 1 auto and RV space for each designated space.
9. 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.

On-going Responsibilities

10. The applicant shall insure that each space in the proposed temporary worker housing RV Park that is rented, is occupied by at least one worker employed at the data center construction projects.
11. The temporary worker housing RV park is authorized to serve the current data center project site and may be reauthorized for a new site or project that meets the same criteria based on section 153C.006(C)(3).
12. The applicant, owner and/or management of a recreation park shall maintain all buildings, grounds, rental units, spaces and furnishings in good repair and appearance, and in clean condition at all times.
13. 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.
14. The applicant shall not allow onsite lighting to shine directly onto adjoining properties or public rights-of-way.
15. The applicant shall maintain all stormwater drainage on site and not allow it to flow onto neighboring properties or public rights-of-way. Should stormwater become an issue additional drainage basins or swales shall be provided to retain runoff.
16. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances.

MOTION IN FAVOR

The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Favor of this Application. I Move that the application be **APPROVED**, subject to the Conditions of Approval as they have been finalized, and based upon the Findings of Fact in favor of the application.

MOTION IN OPPOSITION

The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Opposition to this Application. I Move that the request be **DENIED** based upon Findings of Fact in opposition to the application.

Written By: 
Casey Kaiser
Associate Planner