



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

APPLICATION RECEIVED: April 1st, 2019

HEARING DATE: April 30th, 2019

PROJECT NUMBER: CU-2019-103

APPLICANT/OWNER: Harrison Industries LLC.
10355 S. Liberty Road
Salem OR 97306

PROJECT REVIEWER: Joshua Smith
Planning Director

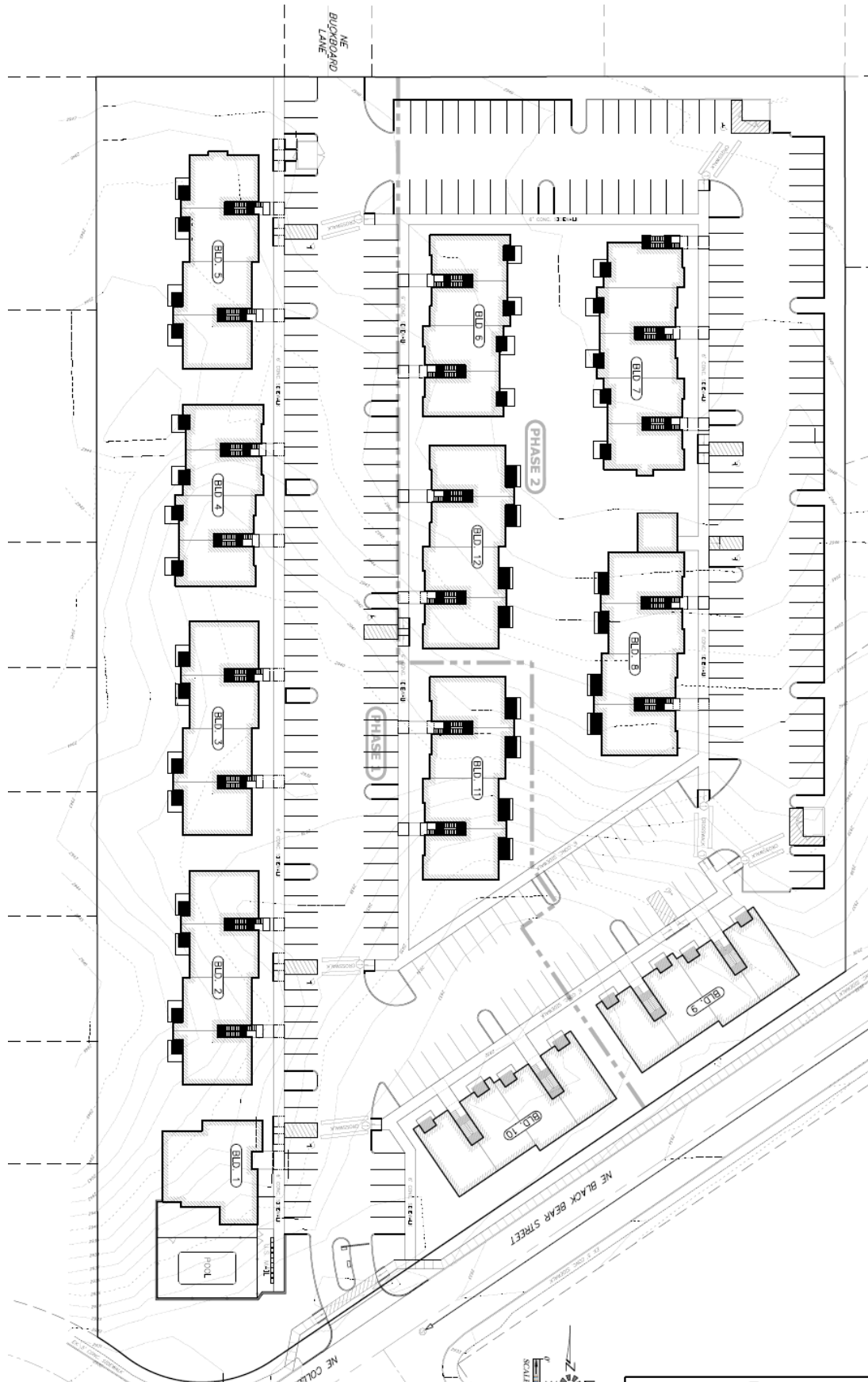
APPLICABLE CRITERIA:

(1) City of Prineville Code of Ordinances, Title XV – 153.009, 153.014, 153.020, 153.035, 153.036, 153.046, 153.081, 153.082, 153.083, 153.085-153.087, 153.135 -153.138, 153.161, 153.190 - 153.200, ORS 197.307(needed housing), 271.080–230(street vacations)

FINDINGS OF FACT:

1. **LOCATION:** The proposed multifamily complex will be located at the intersection of NE Black Bear Street, Colleen Street and Buckboard Lane. Also described as lots 3 & 4 of the Buckhorn Acres subdivision, Map and Tax lot 14-16-29CC 00102 & 00103.
2. **ZONING:** The property is zoned General Residential (R2) and designated residential on the Comprehensive Plan map.
3. **LOT OF RECORD:** The properties are legal lots of record as lots 3 & 4 of the Buckhorn Acres Subdivision.
4. **Related Documents:** SUB-2012-100 (Buckhorn Acres Sub.), PA-2019-100 (Pre-app)
5. **PROPOSAL:** The applicant is applying for a Type II Conditional Use permit for the construction of a 135-unit apartment complex. This development will also require a street vacation and either a Boundary Line Adjustment or a lot consolidation, which will be made part of this decision.
6. **SITE DESCRIPTION:** The property consists of two lots with an unimproved right-of-way for Buckboard Lane running through the middle. This right-of-way is also proposed to be vacated, making the property a total of 6.16 acres. The property is shown below in a 2018 aerial view as well as the basic site plan.





7. **COMMENTS:** A pre-application meeting was held on January 17th, 2019. Notice was sent on April 8th, 2019. Development review meeting was held on April 11th, 2019.

Neighbor – At the time this staff report was written the City has received verbal and written comments. A letter on April 15th was received by the City from the owners of lot 18 in Colleen subdivision. This letter outlines their concerns and suggests some mitigating measures. This letter has been made part of the record.

City – Planning, Public Works, Fire Department and Prineville Disposal provided comments to the applicant prior to and during the Pre-application meeting. The applicant made alterations to their plan based on those comments prior to submitting their application. After application and during the development review meeting comments were limited to the details of their infrastructure plans.

8. **FINDINGS SUMMARY:** The plans submitted by the applicant are the foundation of this application. This property is currently zoned (R2) General Residential. The Complex will be assessed system development charges (SDC) for water, sewer, traffic and parks. The applicant is meeting all setback, lot coverage and height requirements. Staff believes the proposed design as submitted is meeting the intent of the City's design review code. Open space and landscape areas are proposed around the property and along the street to provide an attractive look and feel to the site. The applicant shall complete the sidewalk along Black Bear Street and extend City sewer and water through the development to City standards with recorded easements. The applicant shall connect the buildings to City water and sewer and other utilities. The applicant shall provide fire hydrants and easements internal to the site per Fire Department requirements. All access, maneuvering and parking areas shall be paved in accordance with City standards and all stormwater drainage shall be maintained on site. Clear vision areas shall be maintained at all times and may be enforced at any time. The applicant is meeting the standards for multifamily complexes as well as the minimum landscaping standards of at least 20% and is exceeding the parking standards. A 6 foot sight obscuring fence shall be provided along neighboring property boundaries; however the street frontage along the south side may remain open with landscaping. Staff recommends a higher concentration of trees along the western boundary aligned with the patios to help obscure sight lines to neighboring lots. Staff recommends a gated emergency vehicle access be provided to the north of the development onto Buckboard Lane accessing Barnes Butte Estates; with sidewalk pedestrian access. Staff recommends a bike/ped easement be established for the site that allows pedestrians to pass through on designated drive isles and walkways.

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. The current stormwater drainage plan will require DEQ authorization due to the use of drywells.

Criteria: *153.012 CONSOLIDATED PERMIT PROCEDURE.*

All applications or permit processes required by this chapter and other city planning ordinances, documents or regulations for a specific single land use development or use may be consolidated into a single permit processing procedure, including the public hearings, public notices and City and/or County Planning Commission(s) and/or City Council and/or County Court action requirements. For example, for a specific land use development proposal which may require a zone change (map or text amendment), a conditional use permit, a dimensional or area variance and a partitioning, all of these required permits and the respective hearing and notice requirements therefore may be consolidated into a single public hearing process, a single public notice and a single decision and order action record. Notice of the consolidated process option shall be given to the applicant, and upon request thereby, such a process shall be utilized.

Finding 2: Three different applications will be processed with this land use decision. One is for the development itself, the second is a street vacation for the unimproved portion of Buckboard Lane that was created as part of the Buckhorn Acres Subdivision and finally a lot consolidation or boundary line adjustment to properly configure the lots after the street vacation. The street vacation requires a recommendation from the Planning Commission and ultimately an adopted ordinance from the City Council. This decision will be contingent upon an adopted ordinance vacating the street. Notice of this project was expanded to include the required notice area for a street vacation.

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.

(H) Boats, trailers, travel trailers, pick-up campers, recreational vehicles, motor homes and similar recreational vehicles and equipment that is operational and licensed as required may be stored on a lot owned by the same person or family member, but shall not be used for permanent occupancy other than that permitted in 153.095 (D)(E)(F).

Finding 3:

A) The plans submitted by the applicant are the foundation of this application. The proposal is compatible with the Comprehensive Plan by meeting the City's zoning regulations and housing needs in Chapter 7 of the Comprehensive Plan, as well as the housing needs identified today.

B) The proposal is in compliance with the applicable zone (R2) as a conditional use. The natural features overlay district is not affected by this proposal. The proposal is meeting or can meet applicable provisions through conditions of approval.

C) The City is not aware of any required approvals or permits from state or federal agencies that pertain to the land use approval other than permits from DEQ for potential drywells to control stormwater. The applicant shall obtain occupancy permits from the Crook County Building Department.

D) Specific standards related to this application are listed in section 153.083(H). Specific standards are discussed further in Finding 12.

E) The proposal is not expected to exceed resources carrying capacities. The applicant has completed a Traffic Impact Study that does not recommend mitigating measures associated with this development. The Complex will be assessed system development charges (SDC) for water, sewer, traffic and parks. Water and sewer SDCs are based on the size and number of the water meters installed, which is determined by the Crook County Building Department. A Parks SDC per unit is required by the Parks and Recreation District. Traffic SDCs are calculated on a per unit basis, based on the applicable multifamily trip count in the current ITE manual. SDCs are charged concurrent with building permits and therefore may change over time as buildings are constructed.

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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:

153.035 RESIDENTIAL USE TABLE

Conditional Type II use in R2 zone: *Multi-family dwelling or complex, of more than ten dwelling units*

153.036 RESIDENTIAL DIMENSIONAL STANDARDS

Minimum lot area:

Fourplex: 10,500s.f.

Additional area for each unit over 4: 1,500s.f.

Front setbacks: 10ft. **Side off street:** 10ft.

Rear setback: 10ft. **Building Height:** 35ft.

(Plus 1ft. for every foot above 25ft.)

Street Frontage: 50ft. **Lot Coverage:** 35%

153.046 GENERAL RESIDENTIAL R-2 ZONE.

In an R-2 Zone, the following regulations shall apply.

(A) Purpose. *It is the purpose of the R-2 Zone to provide for residential areas which permit a mixture of a variety of housing types at various densities in a more planned type of development design, including a minimum of nonresidential commercial convenience and service type uses in more accessible proximities for the purposes of providing for conveniences and services to the dominant intended residential users of the area.*

Finding 4: The proposed use is a conditional use within the R2 zone because it is proposing more than 10 units. In review of the submitted site plan the applicant is meeting or exceeding minimum setbacks, lot coverage, height requirements and density standards. The applicant is buffering the east and northern sides with the access and parking areas and providing twice the required setback on the western property line. Building lot coverage is calculated at 19%, well under the maximum of 35%. The proposed buildings are three stories but do not exceed the height limit of 35ft. The existing lots meet the required street frontage and shall meet the required street frontage with the proposed boundary adjustment or lot consolidation. 135 unit complex requires a minimum of 4.75 acres. The properties combined equal 5.14 acres and after the street vacation will equal 6.16 acres, well under the maximum density standard. Requirements within the R2 zone for parking, landscaping, public improvements, signs, use limitations and specific conditions are addressed in the findings below.

The proposal meets the purpose of the R2 zone by providing a planned development with a housing type and density that is not prevalent in the area. The property is adjacent to a commercial zone that currently has a storage facility well suited for this type of development and vacant properties that may provide additional services in the future. There is an undeveloped 2 acre park owned by parks and recreation adjacent to the site and an industrial area south of Peters Road (woodgrain) that could provide an employment area in the future.

Criteria: 153.046 (I) Signs. *In an R-2 Zone, signs are permitted in accordance with the provisions set forth in Chapter 152 as amended.*

Finding 5: Signs for multifamily dwellings shall not exceed 32 s.f. Signs meeting the City's sign code are considered approved as part of this application. Sign proposals shall be submitted for review and code compliance but are still made a part of this application.

Criteria: 153.020 SITE PLAN AND DESIGN REVIEW PROVISIONS.

(A) Purpose.

(1) *The purpose of the design review provisions of this chapter is to ensure that development within the city complies with standards and limitations set forth within the applicable zoning regulations, other city standards and requirements, and with applicable county, state and federal regulations. It is also the intent of these provisions that some level of review be exercised regarding the aesthetics of developments for the goal of maintaining the desirable character and living quality of the community or of specific areas within the community. The overall community character and living quality is defined by the following: keeping buildings in scale; honoring the beauty and ecology of the city's natural setting; and recognizing that historical and natural features are an integral part of the community's overall character.*

(2) *This broad purpose is furthered by the following specific purposes of design review.*

(a) *To implement the goals and policies of the Comprehensive Plan.*

(b) *To foster development that is designed, arranged and constructed in a manner that provides a safe, efficient and aesthetically pleasing community asset.*

(c) *To encourage originality and creativity in site design, architecture and landscape design.*

(d) *To ensure required public and site improvements and ensure that the arrangement of all functions, uses and improvements of a development reflect the natural amenities, capabilities and limitations of its site and adjacent areas.*

(e) *To encourage development where the various structures, use areas and site elements are integrated in a manner that is visually harmonious within the development and the surrounding area.*

(f) *To encourage development and landscape design that complements the natural landscape and setting, improves the general appearance of the community and enhances specific elements of the manmade environment, both presently and historically.*

(B) Applicability. *The following uses and developments shall be subject to the provisions of this section:*

(1) *All new development and changes of use. A building permit shall not be issued prior to approval by the City. Site clearance activities such as grading, excavation or filling shall not be permitted unless specifically allowed by the City prior to approval.*

Finding 6: The plans submitted by the applicant are the foundation of this application. The improvements and services required under the City's standards and specifications and land use code are anticipated to be constructed, and may not be called out directly in this report. The proposed use is subject to design review and may also be subject to ORS 197.307 for needed housing, which requires local governments to apply only clear and objective standards. Staff believes the proposed design as submitted is meeting the intent of the City's design review code and the City's clear and objective standards. The proposed design uses a mixture of materials, site lines and articulation to break up the large structures. The site utilizes landscaping, access and parking areas to provide large buffers to neighboring properties while also providing large areas of recreation space and larger than required setbacks. Landscaping areas are proposed along the street to provide an attractive look and feel to the site. Access is only proposed at the intersection of Black Bear Street. This access provides a direct connection to Peters Road (Major Collector) through a commercial area only and not a residential area. The applicant's plan currently shows driveway access through the site to the north portion of Buckboard Lane (Barnes Butte

Estates). While this may be desirable in the future, at this time staff recommends a gated emergency vehicle access be provided to the north onto Buckboard Lane accessing Barnes Butte Estates; with sidewalk pedestrian access. This will concentrate vehicle traffic onto higher order streets and not through existing neighborhoods, but allow for emergency vehicles and the free movement of pedestrians consistent with the rest of the neighborhoods.

Criteria: (D) Improvements Required. *Uses requiring a design review application shall be subject to public improvements and or site improvements. Improvement requirements and standards are found in section 153.194 and the City's Standards and Specifications. Public improvements and site improvements include but are not limited to the following:*

- (1) Streets. Right of Way dedication, street extensions, sidewalks, access management. Double frontage lots may require improvements on both frontages.*
- (2) Utilities. Connection to municipal water and sewer and other utilities as necessary.*
- (3) Landscaping. Per standards set forth in section 153.087.*
- (4) Paved parking including access and maneuvering areas as set forth in section 153.085 and 153.086.*
- (5) Storm Water Drainage. Per the City's Standards and Specifications.*

Finding 7:

1) The unimproved portion of Buckboard Lane traversing the property is proposed to be vacated, therefore internal public street improvements or dedications are not required. As mentioned in Finding 6, staff recommends a gated emergency vehicle access be provided to the north onto Buckboard Lane accessing Barnes Butte Estates; with sidewalk pedestrian access. The applicant shall complete the sidewalk along Black Bear Street. Vehicle access off of Black Bear Street shall be constructed to City standards.

2) As part of this development and as a requirement of the street vacation the City's water and sewer lines shall be extended within a 20 foot public utility easement; north through the site to the connection with NE Buckboard Lane as depicted on the submitted site plan. The water line shall be extended as a 12" line to City standards including the appropriate service connections, valves and fire hydrants. The sewer line shall be extended as an 8" line to City standards including appropriate manholes, cleanouts and service connections.

The applicant shall connect the buildings to City water and sewer and other utilities as necessary, such as power, phone, cable, gas etc. Connecting to the City's water and sewer system shall be coordinated through the Building Department to determine water meter size and Public Works Department for appropriate connections and service lines. Two fire Hydrants shall also be installed within public utility easements as depicted in the submitted site plans to meet Fire Department requirements.

3) Landscaping is discussed in Finding 15.

4) All access, maneuvering and parking areas are meeting required dimensional standards and are proposed to be paved and shall be paved in accordance with City code.

5) The applicant has submitted a drainage plan that meets City requirements to maintain all drainage on site while showing an overflow for the 100yr storm. The drainage plan is currently using drywells which shall be permitted through DEQ. The plan may be modified to use swales and retention ponds so long as drainage is maintain on site.

Criteria: 153.081 CLEAR VISION AREAS.

In all zones, a clear-vision area shall be maintained at the intersection of two streets, a street and a bike or pedestrian way and a street and an alley. A clear-vision area shall contain no plantings, sight-obscuring fences, walls, structures or temporary or permanent obstructions exceeding 2 ½' feet in height measured from the grade of the street centerline, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of 8 feet above the grade, and trunk diameter does not exceed 18 inches.

*(A) **Measurement of clear vision areas.** A clear vision area shall consist of a triangular area, two sides of which are measured from the corner intersection of the street curb or location where street curb would be located if the right-of-way were developed to full City standards (ignoring any corner radius) for a distance of 25 feet. The third side is a line across the corner of the lot adjoining the non-intersecting ends of the other two sides. The vertical clear vision area is the area above the triangle, between 2 ½' and 8' in height (10' if located along a designated school bus route). In the case of an intersection of a street with an alley or bike/pedestrian way, the measurement shall be made along the nearest edge of the alley or bike/pedestrian way to the intersection for a distance of 15'.*

Finding 8: Clear vision areas shall be maintained at all times and may be enforced at any time based on the requirements above or as amended. The applicant's site plan is showing open landscaped areas at the access to the complex that should meet this clear vision standard as well as the recommendation in the applicant's submitted traffic study.

Criteria: 153.082 ONSITE LIGHTING.

(A) As part of any application for a development or any use within the City, all on-site lighting shall be designed, located, shielded or deflected, so as not to shine directly onto adjoining properties, impair the vision of a driver of any vehicle or be a hazard to aircraft operations within the area.

Finding 9: Lighting shall be shielded and focused downward to prevent light from directly shining onto adjoining properties or public rights-of-way. Additional shielding may be required to accomplish this.

Criteria: 153.083 STANDARDS FOR SPECIFIC USES

*(H) **Multi-family dwelling complex.** A multi-family dwelling complex permitted as a conditional use shall comply with the following standards and conditions, and the compliance shall be evident prior to occupancy except as may otherwise be approved by the city.*

(1) All such complexes with more than 20 dwelling units shall be so located as to have direct access onto an improved arterial or major collector street unless approved otherwise by the city.

(2) All such complexes shall provide both an improved ingress and egress.

(3) Each access road permitting two-way traffic and intersecting a public street shall have a minimum surface width of not less than 30 feet, and not less than 16 feet in width for single-lane, one-way traffic. Interior complex driveways shall not be less than 24 feet in width for two-way traffic, and not less than 12 feet in width for single-lane traffic. For interior driveways providing on-street parking, an additional eight feet of width shall be added for each parking lane or area. All access roads, driveways and parking facilities shall be improved and maintained with "durable and dustless surfaces" as defined in 153.086, and as approved by the City Superintendent of Streets.

(4) Sidewalks, walkways, bicycle paths and other pedestrian ways may be required. The walks, paths and ways shall not be less than four feet in width and shall be surfaced with concrete, asphalt, asphaltic concrete or paving bricks as approved by the City Superintendent of Streets.

(5) The complexes may be required to provide storage facilities and/or extra parking spaces as deemed necessary to provide for tenant storage of household goods, equipment, extra furnishings and/or recreation vehicles.

(6) *Each complex, and each individual unit contained therein, shall be serviced with public water and sewer, electrical power, receptacles for garbage disposal and collection service, and fire hydrants shall be installed as deemed necessary by the City Fire Department.*

(7) *Facilities for incoming and outgoing mail shall be installed in accordance with the requirements of the U.S. Postal Service.*

(8) *The overall density of the complex shall not exceed the dimensional standards set forth by the applicable zone, except as approved otherwise by the city in accordance with the following factors.*

(a) *An increase of 5% in the maximum allowable density for dedicated and improved open space equaling 25% or more of the total land area of the development.*

(b) *An increase of 5% in the maximum allowable density for the development and maintenance of an approved recreation and/or common use building or other indoor facility.*

(c) *An increase of 5% for a developed playground area*

(d) *An increase of 5% for a developed recreation area including a covered picnic area, basketball and/or tennis court facilities and the like.*

(e) *As an incentive for development excellent, a total increase of 25% may be permitted if three or more of the foregoing are provided.*

(9) *A complex shall provide recreational space of at least 2,500 square feet plus 50 square feet for each unit in the complex. The recreational space shall be improved with landscaping to provide open recreation and shall be secured from driveways and parking areas. Facilities such as picnic tables, barbecues and playground equipment are recommended.*

(10) *For any complex permitting tenants to have recreation vehicles, camp trailers, boats and similar recreational equipment, there shall be provided a separate, designated parking area for such uses at a ratio of one space per each three units in the complex.*

(11) *If each unit in the complex is not provided with clothes washing and drying facilities, and there is not a private commercial coin-operated laundry facility within a reasonable walking distance, then there shall be provided within the complex a separate laundry facility providing not less than one washer and one dryer for each six units in the complex.*

(12) *The total land area of the complex may be required to be surrounded, except at entry and exit locations, by a sight-obscuring fence or hedge not less than six feet in height.*

Finding 12:

(H)(1,2) – The applicant is proposing more than 20 dwelling units. Staff recommends that the only access to the site be at the intersection of Black Bear Street. This access provides a direct connection to Peters Rd. (Major Collector) through a commercial area on a short section of Buckboard Lane. An additional gated access will be provided to the north of the site for emergency vehicles and pedestrian access only. All accesses shall be improved to City standards.

(H)(3) – The applicant is proposing a 34 foot access that reduces to 12 foot one-way ingress and egress. All parking and maneuvering shown on the submitted plans meet City standards. The submitted plans have also been reviewed by the Fire Department with no issue.

(H)(4) – The applicant's submitted plan shows public sidewalks connecting to internal 6 foot sidewalks that serve each building and extends through the site to the northern access point on Buckboard Lane. At this point the sidewalk shall curve in to align within the Buckboard Lane right-of-way to provide pedestrian ingress and egress.

(H)(5,10) – The applicant is providing a 24 s.f. storage area off of each deck but is not proposing boat or RV storage, nor are they allowing such storage. There is; however, an existing mini storage facility that includes RV and boat storage across the street.

(H)(6,7) – All public and private utilities listed in this section are planned and shall be provided to each individual unit. Two fire hydrants shall be installed internal to the site to City and Fire Department standards. Garbage disposal locations have been reviewed and approved Prineville Disposal and shall be screened in enclosures. Mail service shall be installed in accordance with the requirements of the U.S. Postal Service. The applicant is currently proposing a central location at the entrance to the complex.

(H)(8) – A multi-family complex with a density of 135 units would require 4.75 acres. The property is 5.14 acres with the existing ROW and will be 6.16 acres once it is vacated. The applicant could have utilize a 5% increase in density due to the inclusion of a recreation center and pool. The applicant is below the maximum density of the zone, meeting the standards of the R2 zone.

(H)(9) – A multi-family complex of 135 units is required to provide 9,250 s.f. of recreational space. The applicant is providing 52,488 s.f. of usable open space as well as a 2,646 recreational building. The applicant is well above the minimum requirement meeting the standards of the R2 zone.

(H)(11) – The applicant is proposing that each unit have its own laundry facilities.

(H)(12) – The applicant shall provide a 6 foot site obscuring fence along neighboring property boundaries. The fence shall be either cedar fencing, chain link with slats or equivalent fencing that is attractive and well maintained. A fence is not required along the southern street frontage; however, landscaping is required and discussed in Finding 15.

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

(A) *The provision and maintenance of off-street parking and loading facilities are continuing obligations of the property owner. No building permit shall be issued until plans are submitted and approved by the city that show property that is and will remain available for exclusive use as off-street parking and loading facilities as required by this section and this chapter. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the required parking and loading facilities set forth by this section and this chapter. It is not, however, the intent of these provisions to require off-street parking and loading facilities in a manner as to unreasonably limit improvements to existing structures and uses, particularly in that area identified as the downtown core commercial area.*

(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*

Multi-family complex	1.5 spaces per unit from 5 to 8 units; 1.25 spaces per each unit thereafter, plus 2 spaces for owner/manager.
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Finding 13: A 135 unit multifamily complex would require 174 parking spaces. The applicant is providing 244 standard spaces, 4 compact, 8 handicap and 23 bike spaces located under the stair wells. The applicant is exceeding the minimum requirements for parking.

Criteria: 153.086 OFF-STREET PARKING AND LOADING: DESIGN/IMPROVEMENT STANDARDS

(F) The following off-street parking development standards shall apply.

(1) Parking areas, aisles and turnarounds shall be paved with concrete, asphaltic or comparable durable and dustless surfaces as defined in division (E) of this section, or as otherwise approved by an authorized official of the City.

(2) Approaches to driveways providing ingress and egress to parking areas shall be paved with asphalt, asphaltic concrete or concrete surfacing and inspected by the City Street Superintendent. In the event that a serving street is not paved, the approach may be maintained to the same standard as the street until the street is paved.

(3) Parking areas, aisles and turnarounds shall have provisions made for the onsite collection of drainage waters to filter contaminants and eliminate sheet flow of the waters onto or across sidewalks and other pedestrian ways, bike paths, public rights-of-ways and abutting private property.

(4) In areas that are duly designated for parking, parking spaces shall be permanently and clearly marked except as otherwise approved by the city.

(5) Wheel stops and bumper guards shall be provided where appropriate for parking spaces abutting a property line or building and no vehicle shall overhang a public right-of-way or other property line. Unless otherwise approved, parking spaces along the outer boundaries of a parking lot shall be contained by a curb which is at least 4 inches high and set back a minimum of 4.5 feet from the property line or by a bumper rail.

(6) Artificial lighting for parking areas which may be provided or required shall be shielded or deflected so as not to shine directly into adjoining properties, dwellings or businesses and so as not to create a hazard to the public use of a street.

Finding 14: All vehicle access, parking spaces and drive isles shall be paved as indicated above and shown in the applicant's submittal.

Criteria: 153.087 LANDSCAPING REQUIREMENTS.

The following minimum landscape requirements are established for all developments subject to design review plan approval, unless approved otherwise by the reviewing authority.

(A) Landscaping defined. Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials.

(B) Existing vegetation. Existing site vegetation may be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.

(C) Area required. Minimum area requirements may include requirements for landscaping around buildings, along fence lines, in parking and loading areas, outdoor recreational use areas and screening and buffering areas. Except as approved otherwise by the reviewing authority, the area required for landscaping is expressed as a percentage within the zone dimensional tables and/or the following:

(1) Multifamily dwellings & complexes: 20%.

(2) Downtown Enhancement Plan C-1 Zone.

(3) Parking lots. Parking areas shall be required to be landscaped in accordance with the following minimum requirements:

(a) In commercial and residential developments, parking areas shall be divided into bays of 12 spaces and between or at the end of each parking bay a curbed planter containing at least 16 square feet shall be required. Parking areas less than 12 spaces may require curbed planters as part of the landscape standard.

(b) Each planter should contain at least 1 tree and ground cover. An applicant may submit alternate plans for review and approval.

(c) The areas shall be designed to be protected from being damaged by vehicles using the parking area.

(d) Clear vision at the intersection within a parking area shall be maintained to provide adequate vision of vehicles and pedestrians.

(e) Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum 4 foot strip of landscaping.

(f) Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.

(4) Buffering and screening. Requirements for buffering and screening may exceed the area requirement listed above. When required, buffering and screening areas shall conform to the following minimum requirements.

(a) Purpose. The purposes of buffering and screening requirements are to reduce the impacts of a proposed use on adjacent uses and zones which provide for different types of uses. The reviewing authority may waive or reduce the requirements where existing topography or vegetation is appropriate or otherwise negates the effectiveness or intended purpose or benefits of the buffering and screening.

(D) Plant material installation standards. Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section.

(1) Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.

(2) Trees shall be a minimum size of 8 feet in height and be fully branched at the time of planting.

(3) Shrubs shall be supplied in 1 gallon containers or 6 inch burlap balls with a minimum spread of 12 inches.

(4) Rows of plants should be staggered to provide for more effective coverage.

(E) Maintenance and plant survival. 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. Except where the applicant proposes landscaping consisting of drought-resistant plantings and materials that can be maintained and can survive without irrigation, landscaped areas shall be irrigated. If plantings fail to survive, it is the responsibility of the property owner to replace them.

Finding 15: Multifamily complexes are required to provide at least 20% landscaping, which would equal 53,665 s.f. In review of the applicant's site plan, the applicant is providing ~100,507 s.f. of landscaping which includes common area and usable open space, but excludes sidewalks, curbs and patios. The applicant is providing landscaping within the parking areas consistent with the criteria above. Landscaping along the street frontage is adequate for screening the public right-of-way; however, the trees may need to move toward the buildings to avoid underground utilities. Staff recommends a higher concentration of trees along the western boundary aligned with the patios to help obscure sight lines to neighboring lots. Staff does not recommend the use of Quaking Aspen or other poplar trees due to suckering issues; specifically around foundations and utilities. The remainder of landscaping around the development is adequate unless issues arise during the public hearings process.

The City understands that this landscape plan is conceptual and there may be a desire to modify the plan for different species and location as the project is constructed. Changes to the proposed plan shall be submitted in writing or map form for an informal City review and approval to ensure the plan is meeting City's landscaping standards.

Criteria: 153.089 CUTTING AND FILLING.

(A) Grading, cutting and filling of building lots or sites. Grading, cutting and filling of building lots or sites shall conform to the following standards unless physical conditions warrant other standards as demonstrated by a licensed engineer; in such a case, the documentation justifying such other standards shall be set forth in writing thereby.

(1) The city may require a grading plan by a licensed engineer for any new construction or proposed alteration of a site.

(2) Alterations greater than three feet from the natural pre-existing grade or any alteration greater than one foot within ten feet of a property line shall require a grading permit from the City Engineer; at the discretion of the City Engineer the applicant may be required to submit a plan prepared by a licensed engineer and public notice of neighboring properties.

(3) A grading plan, if required, shall demonstrate construction feasibility, and the engineer shall attest to such feasibility and shall certify an opinion that construction on the cut or fill will not be hazardous to the development of the property or to surrounding properties.

Finding 16: Grading of the site will be necessary. The applicant has provided a grading plan from a licensed engineer that shows finished floors and contour lines, as well as a drainage plan. As proposed the grading and drainage of the property is not anticipated to cause any issues with neighboring properties. The largest cuts will be in the SW portion of the property. The applicant shall use standard engineering practices to stabilize slopes particularly within 10 feet of the property line.

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 17: Above is a list of conditions the Planning Commission may consider to mitigate impacts to the surrounding area; however, these conditions cannot violate State law with regard to needed housing referenced in ORS 197.307. This ORS states that “a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing”. Clear and objective standards are such things as density, setbacks, height limits or anything in the land use code that requires a specific number or measurement of something. This statement does not infringe on the local government prerogative to impose other special conditions such as screening, buffering, fencing, lighting, access and public facilities.

The following are additional staff recommendations made throughout this report but not required by specific code sections. These are also included in the conditions:

1. Staff recommends a gated emergency vehicle access be provided to the north onto Buckboard Lane accessing Barnes Butte Estates; with sidewalk pedestrian access.
2. Staff recommends a public bike/ped easement be established for the site that allows pedestrians to pass through in good faith; on designated drive isles and walkways.
3. Staff recommends a higher concentration of trees along the western boundary aligned with the patios to help obscure sight lines to neighboring lots.
4. Staff does not recommend the use of Quaking Aspen or other poplar trees due to suckering issues, specifically around foundations and utilities.

Criteria: 153.138 TIME LIMIT ON A CONDITIONAL USE PERMIT.

(A) Authorization of a conditional use permit shall be null and void after one year or such other time as may be specified in the approval thereof unless substantial development, compliance and/or investment is clearly evident.

(B) Issuance of a conditional use permit shall confer no right to the applicant beyond the time period for which it was issued.

(C) If the conditions applicable to a conditional use permit are not fulfilled within a reasonable time, the Commission may revoke the permit after giving notice to the applicant, affected property owners and other affected persons or parties, and upon holding a public hearing to make the determination.

Finding 18: As stated above, the applicant shall be aware that a conditional use permit is void after one year unless substantial development, compliance or investment is clearly evident. This is generally established by evidence of a building permit, but may include other site work. Should development cease and not continue in a reasonable manner the Commission may revoke the permit as described above.

Criteria: 153.192 EASEMENTS.

(A) Utility lines. Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 12 feet wide and centered on a rear and/or side lot line unless approved otherwise by the city. Utility pole anchor or guy wire easements may be reduced to 6 feet in width.

(B) Water courses. If a lot is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the water course, and such further widths as deemed necessary.

(C) Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian and/or bicycle way of not less than 5 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation.

(D) Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the City Department of Public Works.

Finding 19: As part of this development and the street vacation process, the City will require the extension of City water and sewer service from Black Bear Street north through the development to Buckboard Lane in the Barnes Butte Estates subdivision. Public utility easements for these lines and associated fire hydrants shall be provided to City standards.

To maintain the free movement of pedestrians and bicycles throughout the neighborhood and efficient access to a future commercial node and park, staff recommends a public bike/ped easement be established for the site that allows pedestrians to pass through on designated drive isles and walkways. This easement shall be written specifically for individuals passing through in good faith and is not intended to allow loitering, solicitation or infringe on the owners right to remove or prohibit certain individuals as the law allows on private property.

Criteria: 153.161 LOT CONSOLIDATIONS

All lot consolidations shall follow the same process and final map requirements as with a partition or subdivision as applicable.

(A) Lot consolidations resulting in a single lot.

(1) *May be performed on contiguous lots resulting in a single lot.*

(2) *A lot consolidation is the actual removal of a lot line or lines not just the consolidation of tax lots.*

(3) *Lot consolidations shall not be used to avoid public improvements that would otherwise be required or have been required by a land partition or subdivision such as the re-platting of a subdivision that has not yet been constructed.*

(4) *Each non-contiguous consolidation shall be a separate application.*

(C) Final map requirements. *Lot consolidations require a recorded plat and shall follow the same map requirements as with a partition or subdivision.*

(1) *In the case of multiple lot consolidations in the same area an applicant may combine all consolidations on a single map. If that map results in more than 3 lots the signatures required for a subdivision shall be required.*

(2) *The type of plat required (replat, partition, or subdivision) shall be determined by the County Surveyor.*

153.163 BOUNDARY LINE ADJUSTMENT & FINAL MAP RECORDATION.

(D) *Approval Criteria. The City shall approve or deny a request for a lot line adjustment in writing based on findings that all of the following criteria are satisfied:*

(1) *No additional lot or parcel is created by the adjustment.*

(2) *All properties adjusted comply with the applicable zone requirements and Design and Improvement requirements of this chapter.*

(E) *Recording of Final Map. A final map shall be recorded in the same manner as a partition or subdivision and comply with the survey requirements of O.R.S Chs. 92 and 209.*

(1) *The original plat and an exact copy shall be submitted to and approved by the City Planning Director. The approval shall be evidenced by signature on both the original and exact copy.*

(2) *The original plat and exact copy shall be submitted along with the appropriate recording fee to the County Surveyor for recording into the county survey records.*

(3) *The original plat and exact copy shall then be submitted along with the appropriate recording fee to the County Clerk for recording into the County Clerk's records.*

(4) *After recording information is placed on the exact copy by the County Clerk, the exact copy and the required number of points, a minimum of 6 copies, unless otherwise specified by the County Surveyor at the time of survey recording, shall then be submitted to the County Surveyor to complete the recording process.*

(5) *After recording information is placed on the exact copy, a minimum of 3 copies shall then be submitted to the City Planning Director, together with the digital data in a format approved by the City and the Crook County GIS Department.*

Finding 20: The applicant shall perform a lot consolidation or boundary adjustment after the right-of-way has been vacated by ordinance. Either process will allow for the property to meet the required dimensional standards of the zone and shall be approved as part of this application.

A lot consolidation would reduce the two contiguous platted lots into one and allow required easements to be recorded on the plat. This consolidation will result in the re-plat of lots 3 & 4 of the Buckhorn Acres subdivision. The resulting lot will exceed minimum dimensional standards of the R2 zone.

A boundary line adjustment would move the boundary between lots 3 & 4 of the Buckhorn Acres subdivision to a phase line that meets the standards of the R2 zone.

With either process a final plat shall be prepared in accordance with State law by a licensed professional and submitted to the City for approval and signature. It shall then be recorded at the County Clerk's Office prior to issuance of a building permit.

RECOMMENDED CONDITIONS OF APPROVAL: If approved the following conditions are recommended for application **Cu-2019-103** for a 135 unit multifamily complex. 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:

General Conditions

1. The plans submitted by the applicant and the improvements depicted therein are the foundation of this approval to meet the requirements of the City's standards and specifications and land use code.
2. The applicant shall comply with the Fire Department requirements for fire flows, sprinkler systems, fire hydrants, address signs, fire lanes and Knox Box locks and all other UFC requirements.
3. The applicant shall construct all public improvements in accordance with the City's standards and specification. This includes but is not limited to the completion of the sidewalk along Black Bear Street, the extension of a 12" water and 8" sewer line from Black Bear Street north to Buckboard Lane including required fire hydrants, all to City standards with recorded easements. All buildings shall be connected to City water and sewer.
4. The applicant shall adhere to the recommendations of the traffic study unless conditioned otherwise.
5. The applicant shall provide the proposed number of parking spaces and pave parking, access and maneuvering areas consistent with their site plan and to City Standards.
6. The applicant shall provide a gated emergency vehicle access to Fire Department standards to the north of the development onto Buckboard Lane allowing emergency ingress and egress from Barnes Butte Estates Subdivision.

7. The applicant shall provide internal sidewalks that connect to the required public sidewalk along Black Bear Street and a northern connection to Buckboard Lane as shown in the submitted site plan.
8. The applicant shall establish a public pedestrian and bicycle easement for the development that allows pedestrians and bicycles to pass through on designated drive isles and walkways. This easement shall be written specifically for individuals passing through in good faith and is not intended to allow loitering, solicitation or infringe on the owners right to remove or prohibit certain individuals as the law allows on private property.
9. The applicant shall maintain all stormwater drainage on-site. Grading and drainage plans shall be reviewed by the City Engineer to ensure compliance with cut and fill criteria and drainage calculations. The applicant shall use standard engineering practices to stabilize slopes particularly within 10 feet of the property line.
10. The applicant shall place all utilities underground.
11. The applicant shall meet the required landscaping percentage for multifamily complexes (20%). The applicant shall provide a higher concentration of trees along the western boundary aligned with the patios to help obscure sight lines to neighboring lots. Trees along the street frontage may need to be moved to avoid underground utilities. The City does not recommend the use of Quaking aspen or other poplar trees due to suckering issues. The applicant shall adhere to the general concept of the submitted landscape plan; however, the City understands that this landscape plan is conceptual and there may be a desire to adjust the plan as the project is constructed. Major changes to the proposed plan as determined by the Planning Director, shall be submitted in map form or writing for an informal City review and approval to ensure the plan is meeting the City's landscaping and buffering standards.
12. The applicant shall provide the improved recreational space as shown in the submitted site plan and landscape plan. The recreational area may change based on final conditions but shall generally adhere to the submitted concept of providing recreational area adjacent to each unit.
13. The applicant shall construct a 6 foot sight obscuring fence along neighboring property boundaries. The fence shall be either cedar fencing, chain link with slats or equivalent fencing that is attractive and well maintained. The street frontage along the south side of the development may remain open with proposed landscaping.
14. The applicant shall comply with required setbacks and height requirements set forth for the applicable zone and as shown on the submitted site plan.
15. The applicant shall provide connections for clothes washing and drying within each dwelling or provide an onsite laundry facility with one washer and dryer per each 6 units.
16. The applicant shall provide postal service facilities in accordance with the requirements of the U.S. Postal Service.

17. Signs for multifamily dwellings shall not exceed 32 s.f. Signs meeting the City's sign code are considered approved as part of this application. Sign proposals shall be submitted for code compliance and made a part of this application.

Prior to Building Permit

18. The Planning Commission recommends the vacation of the unimproved portion of Buckboard Lane right-of-way plated with the Buckhorn Acres subdivision. This approval is contingent upon the City Councils approval and adoption by Ordinance of a vacation of this right-of-way.
19. The applicant shall prepare a final plat in accordance with Oregon State law regarding re-plats or boundary line adjustments to reconfigure the property to meet City standards. The applicant shall submit the final map to the City of Prineville for final approval and signature by the City. All easements shall be recorded on the final map.
20. The applicant shall pay all applicable system development charges and connections fees prior to issuance of a building permit.

On-going Responsibilities

21. All stormwater drainage shall be maintained on-site per the applicant's drainage plan.
22. No storage of materials is allowed in a manner which may cause a nuisance. The applicant shall not store unused vehicles, junk or debris within view of persons on a public street or adjacent properties. All outdoor storage and any equipment on site shall be screened from adjacent public rights-of-way.
23. All exterior lighting shall be shielded and focus light downward onto the site and shall not shine onto adjacent rights-of-way or properties or cause a hazard to vehicles or aircraft. Additional shielding may be required to accomplish this.
24. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances and secure any permits required by the Crook County Building Department or State and Federal agencies.

Written by:


Joshua Smith
Planning Director