



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT

HEARING DATE: June 4th, 2019

PROJECT NUMBER: Cu-2019-105

APPLICANT/OWNER: Jose Sanchez
2594 SW 21st Street
Redmond, OR 97756

PROJECT REVIEWER: Casey Kaiser, Associate Planner

APPLICABLE CRITERIA:

City of Prineville Code of Ordinances, Title XV – Chapters 150-153, inclusive. Specific to land use code as follows: 153.009, 153.014, 153.020, 153.036, 153.037, 153.046, 153.051, 153.080 -153.096, 153.135 – 153.138

FINDINGS OF FACT:

- 1. LOCATION:** The proposed use will be located at 1365 NW Studebaker Drive. The property is further identified as Map and Tax Lot 14-16-31CB 01801.
- 2. PROPOSAL:** The applicant is proposing to place a 27x64, 1991 double wide manufactured home with a carport on property currently zoned General Commercial C2.
- 3. ZONING:** The subject property is zoned General Commercial, (C2) and is designated Outlying Commercial in the Comprehensive Plan.
- 4. LOT OF RECORD:** The property has been determined to be a legal lot of record by Partition Plat 2006-20, Parcel 1.
- 5. SITE DESCRIPTION:** The site is approximately 20,937 sq. ft. and is currently vacant. (2018 aerial image below)



6. FINDINGS SUMMARY: The proposed placement of a manufactured home is in the General Commercial C2 zone however the neighborhood is currently dominated by single family homes. The proposal is in keeping with the current character of the neighborhood as there are several manufactured homes already in place along NW Studebaker Drive.

The placement of a manufactured home is allowed as a type 2 conditional use in the C2 zone. When we site a residential home in a commercial zone our code directs us to conduct our design review based on the standards of the R2 General Residential Zone. The proposed MH placement meets the dimensional standards including lot coverage and setbacks of the R2 zone.

The proposed siting of the home is located within the 100 year floodplain. The applicant shall obtain a flood elevation certificate and meet the construction requirements of a manufactured home placement in the floodplain.

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 1:

A) The proposal is compatible with the Comprehensive Plan by providing needed housing.

B) The proposal is in compliance with the applicable zone as a single family home approved as a conditional use. 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 other local, state or federal agencies other than building permits from the Crook County Building Department

D) There are specific standards listed in section 153.083(T) discussed in Finding 6. Use limitations in the C2 zone are discussed in Finding 4.

E) The proposal does not exceed resource or public facility carrying capacity. The home shall be connected to city water and wastewater services. SDC and connection fees shall be due for water, sewer, and transportation concurrent with issuance of a building permit.

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: 153.051 GENERAL COMMERCIAL C-2 ZONE.

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

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

153.037 COMMERCIAL & INDUSTRIAL USE TABLE

Type II conditional use: Single Family Dwelling

Finding 2: The applicant is proposing to place a manufactured home at the site that is intended for occupation as a single family home. This type of application is processed as a conditional use to be reviewed and approved by the City's Planning Commission.

Criteria: 153.036 RESIDENTIAL DIMENSIONAL STANDARDS

Carport/Garage entrance

to Public street/Alley: 20 ft. to property line, 25ft. to street or sidewalk

Front setbacks: 10ft.

Rear setback: 10ft.

Side setbacks: 5ft.

Building Height: 35ft.

Street Frontage: 50ft.

Lot Coverage: Determined by the ability to meet parking, landscaping, clear vision, drainage, Public Works standards and other applicable dimensional standards.

Finding 3: When a residence is proposed in a commercial zone the R2 residential dimensional standards apply. The proposal is meeting or exceeding all the minimum setback requirements of a single family home in the R2 zone. The home is single story and is well under the height limitation. The property meets the street frontage requirement on NW Studebaker Drive.

Criteria: (K) Use limitations. In a C-2 zone, permitted uses shall be subject to the following limitations and standards:

(1) **Except for drive-in service windows and/or as approved otherwise by the city, all business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building. Display of merchandise along the outside wall of the building shall only be permitted on private property, and shall not in any case preclude pedestrian use of walkways, sidewalks or other pedestrian facilities; these limitations do not apply to the outside display of merchandise during a merchants or community sponsored promotional sale, or to the outside display of merchandise confined to an area or facility designed for such purpose and approved by the city.**

(2) **All nonresidential uses permitted in this zone shall be screened from abutting residential uses by a sight-obscuring fence except as otherwise approved by the city.**

(3) **Nuisance. 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.**

Finding 4:

As a residence in a commercial zone the use limitations are not applicable except for nuisance limitations. The use is not expected to cause a nuisance but the applicant shall take corrective action if a nuisance is declared by the City through the code enforcement process.

Criteria: 153.020 SITE PLAN AND DESIGN REVIEW PROVISIONS.

(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.

(C) Exemptions. The following are exempt from the site and building design review process.

(1) Single family and two family/ duplex dwellings and their accessory structures.

(2) Outright uses existing on or before the effective date of this chapter.

(3) Exterior remodeling and/or expansion of a use up to and not exceeding 25% of the total square footage (including upper floors) of all structures on a specific lot or parcel under unit ownership, however, it shall meet the "Site design evaluation criteria"(G)(2) below.

(4) Changes of uses that occupy an existing building or site that is either similar to the previous use or of equal or lesser impact to the site with regard to water, sewer and traffic as determined by the Planning Director and City Engineer. A change of use application may be required to make this determination (converting a residence to a commercial use is always considered a greater impact). Conditional use procedures still apply for those applications that require it. As a conditional use improvements may be required that are exempted in this section.

Finding 5: The proposed use is exempt from design review per sections 1 and 4 of the above criteria.

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.

(T) Residential dwellings in a commercial zone. Residential uses from single family dwelling to fourplexes shall consider the following limitations when placed in a commercial zone.

(1) Structures shall not be located on a collector or arterial streets unless;

(2) The property is determined not to be commercially viable based on size, location and surrounding uses.

(3) Provisions for the future conversion to a commercial business should be considered when placing a residence on a lot.

Finding 6:

- 1) The proposal is not located on a collector or arterial street. NW Studebaker Drive is classified as a local street.
- 2) The property is not well suited for commercial development due to location, access limitations from a local street, and the predominance of surrounding residential uses.
- 3) The property does not likely have much value for commercial use and is not likely to be converted to commercial use in the future.

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*

(C) Exemptions. *The following are exemptions in all zones.*

(1) *Outright uses existing on or before the effective date of this chapter on a lot or parcel of land that has no remaining room for off-street parking and loading facilities;*

(2) *Exterior remodeling and/or expansion of a use up to and not exceeding 25% of the total square footage of all structures on a specific lot or parcel under unit ownership, however, any existing parking displaced by the remodeling and/or expansion shall be replaced.*

(3) *Changes of uses that are permitted outright in a zone and occupy an existing building or site that is either similar to the previous use or of equal or lesser impact to the site with regard to traffic impacts as determined by the reviewing authority and City Engineer. A change of use application may be required to make this determination.*

Finding 7: The proposed use is exempt from parking standards required of commercial uses in the C2 zone. However as a residence in a commercial zone the proposed use is subject to the standards of the R2 zone. The proposed carport and driveway will accommodate the 2 off-street parking spaces typically required of a single family home in the R2 zone.

Criteria: 153.095 MANUFACTURED HOMES; MOBILE HOMES; RV'S.

(A) Manufactured home placement. *The provisions set forth by this subsection govern the placement of manufactured homes in the city and the urban area thereof.*

(2) Manufactured Home minimum size. *For the purposes of these regulations, manufactured home sizes are permitted as follows*

(a) Individual lots or parcels. *Shall have more than 750 square feet of living space in a double or multi-sectional unit.*

(B) Manufactured home placement requirements.

(1) *Shall comply with the placement requirements of the building code.*

(2) *Have wheels, axles and hitch mechanisms removed.*

(3) *Have utilities, public sewer and water connected in accordance with Oregon Department of Commerce requirements, manufacturer's specifications, and city standards.*

(4) *Bear an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code.*

(5) *Have a pitched roof with a minimum slope of 3/12 with eaves and trim on all sides.*

(6) *Have exterior siding, trim and roofing materials that are similar in appearance and complementary to other homes in the same general area including the type, color and horizontal or vertical placement of materials.*

(7) *Have a garage or carport constructed of like materials and color to the dwelling unit.*

(8) Foundations/skirting

(a) *All manufactured homes outside of a manufactured home park shall be placed on a foundation in accordance with building code.*

Finding 8: The applicant's proposed development is required to meet the provisions of section 153.095 of the City of Prineville land use code.

The proposed manufactured home is a double wide and does meet size requirement of containing more than 750 sq. ft. living space. The wheels, axles, and hitch mechanisms shall be removed upon placement. The applicant shall connect the proposed manufactured

Jose Sanchez

CU-2019-105

home to City water and sewer services and pay all applicable system development charges and connection fees. The applicant is proposing to place the home on a foundation and construct a carport to meet the requirements of the code.

Recommended Conditions of Approval: Application Cu-2019-105 for siting a manufactured home as a single family home in a commercial zone is **approved**. The application is subject to those conditions outlined in the findings section of this report and those conditions of approval set forth below:

General Conditions

1. Comply with the Crook County Fire Department requirements for fire flows, sprinkler systems, fire hydrants, address signs and Knox Box locks and all other UFC requirements.
2. The applicant shall obtain a flood elevation certificate and construct the improvements to meet the requirements of development in the 100 Year Flood Plain.
3. The applicant shall comply with any Crook County Building Department requirements.
4. The applicant shall take corrective action for valid complaint or nuisance declared by the City.
5. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances.
6. The proposed manufactured home shall meet current manufactured home placement standards including the provisions of section 153.095 of the City of Prineville Land Use Code, Crook County Building Code requirements.
7. The proposed manufactured home placement shall include a carport or garage and a minimum of two off street parking spaces.
8. The applicant shall connect the proposed home to city water and sewer services and pay all applicable system development charges and connection fees concurrent with receipt of their County Building permit.

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.

Date this 23rd day of May 2019

Written By:


Casey Kaiser
Associate Planner