



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

APPLICATION DATE: September 25th, 2019

HEARING DATE: October 15th, 2019

PROJECT NUMBER: CU-2019-111

APPLICANT/OWNER: Vitesse LLC.
1601 Willow Road
Menlo Park, CA 94025

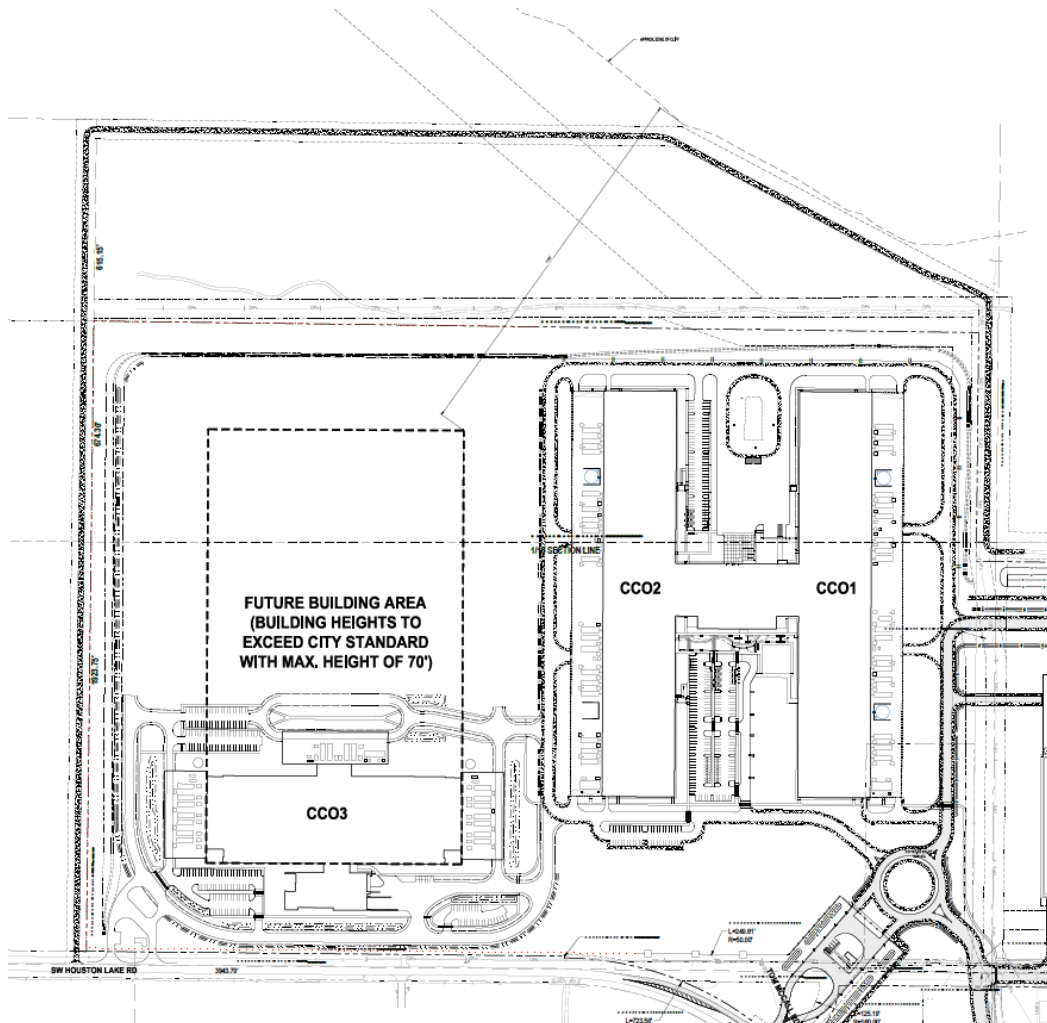
PROJECT REVIEWER: Joshua Smith,
Planning Director

APPLICABLE CRITERIA:

City of Prineville Code of Ordinances, Title XV – Chapter 153 – Sections: 153.014, 153.038, 153.118, 153.135 – 153.138.

FINDINGS OF FACT:

- 1. LOCATION:** 300 SW Connect Loop, Map & Tax Lot 1515000000301. A 2018 aerial image below illustrates the outline of the parcels or portions of that are proposed to be developed.
- 2. PROPOSAL:** The applicant is requesting approval to exceed the M1 zone height limit of 50 feet on a potential future building design located on the far western side of the property. The project may incorporate an average building height of 66 feet and a maximum height of 70 feet. The buildable area over 50 feet will be a minimum of 1,150 feet from the rimrock and will not interfere with airport operations.
- 3. ZONING:** The subject property is within the City, zoned M1 (Light Industrial), and designated Light Industrial in the City's Comprehensive Plan.
- 4. LOT OF RECORD:** The site has been determined to be a legal lot of record based on County Survey 4245, a boundary line adjustment approved by Crook County.
- 5. SITE DESCRIPTION:** Currently under construction at the site is an "H" style building CCO 1&2 and utility facilities. The remainder of the site is being used for material laydown.



6. **COMMENTS:** No comments were received from neighboring properties or other governmental agencies.
7. **FINDINGS SUMMARY:** Staff finds the applicant's proposal is meeting or can meet the requirements of the City of Prineville through the recommended conditions. There is not expected to be any negative impacts to the industrial area or the conical surface of the airport. The primary concern is if there is a significant difference in the visual impact to the rimrock if a building were allowed at 70 feet versus 50 feet. As proposed it does not appear that the additional 20 feet of height will have a significant impact on rimrock views due to the distance from the rimrock.

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 for economic development and reasonable protections of Goal 5 resources identified in the community.
- B) The property is currently zoned Light Industrial (M1). The City finds the proposal is meeting applicable provisions of the Land use code by applying for a height exception through a Type II conditional use.
- C) No additional permits or approvals are applicable for this application.
- D) There are specific rimrock protection standards discussed further in Finding 4.
- E) The request for a height exception has no effect on public facility carrying capacities.
- F) The request is for a height exception only. An application for use may follow.

Criteria: 153.060 LIGHT INDUSTRIAL M-1 ZONE.

In an M-1 Zone, the following regulations shall apply.

(A) *Purpose. The purpose of the Light Industrial M-1 Zone is to provide for a wide range of industrial uses, but limiting or excluding those industrial uses which are generally not considered compatible with adjoining commercial or residential areas and which, in many cases, involve industrial uses which involve hazardous or nuisance creating conditions.*

153.038 COMMERCIAL AND INDUSTRIAL DIMENSIONAL STANDARDS

Building Height (ft.): Maximum ⁴ 50 feet

^E Building heights greater than standard shall be approved as a type II conditional use.

Finding 2: The applicant is requesting an exception to the 50 foot height limit in the M1 zone. The City's Land Use Code requires height exceptions to be reviewed through a Type II conditional use. All Type II conditional uses are reviewed and approved or denied by the City's Planning Commission.

The applicant is proposing an average height limit of 66 feet with a maximum of 70 feet within the designated area on the submitted site plan. There may be structures outside this area, however they will be at or below the height limit. If approved there is not expected to be any negative impacts to the industrial area or the conical surface of the airport. The primary concern is if there is a significant difference in the visual impact to the rimrock if a building were allowed at 70 feet versus 50 feet. The visual impact to the rimrock is discussed further in Finding 4.

Criteria: 153.118 EXCEPTIONS TO BUILDING HEIGHTS.

(A) *The following types of structures or structural parts are not subject to the building height limitations of this chapter: chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio, cellular and television towers, masts, aerials, cooling towers, water towers, elevator shafts, windmills, conveyors, mill related apparatus and other similar projections.*

(B) *The exceptions to building height limitations set forth herein are not applicable to any such structures or structural parts that are located within an Airport Approach (AA) Overlay Zone.*

Finding 3: The list of exceptions to building heights is not applicable as the request is for the entirety of the building to exceed the maximum height limit. The intension is to average 66 feet with such things as elevator dog houses for roof access to each heights of 70 feet. The subject property is also not within an airport approach zone.

Criteria: 155.080 Rimrock Scenic Area

TABLE 155.2: RIMROCK SETBACK AREAS

Natural Feature	Location	Measured From	Distance
Top-of-Rimrock Setback Area			
Rimrock	Within entire UGB	Top-of-Rimrock cliff or significant break in slope (~25% slope)	200 feet

Finding 4: As stated in Finding 2 the primary concern is the visual from the rimrock. The required setback for a structure within the height limit of the zone is 200 feet. The applicant's property boundary alone exceeds the 200 foot setback and the closest point of the building exceeding the height limit will be 1,150 feet. However, when asking for an exception to the height limit other considerations can be made if necessary to protect the view shed.

As proposed it does not appear that the additional 20 feet of height will have a significant impact on rimrock views due to the distance from the rimrock. Due to the rimrocks direction moving away from the site, the visual impact is significantly reduced from the valley floor. The existing H-building (CCO 1&2) that is within the height limit will also block the new structure from vantage points looking to the southwest from the Madras Hwy area. No portion of the building will be seen from the City core and more notably the County Court House, which has been used as a defining vantage point in the past.

Criteria: 153.137 APPLICATION FOR CONDITIONAL USE.

A property owner or duly authorized agent may initiate a request for conditional use or the modification of an existing conditional use by filing an application with the city using forms prescribed therefore by the city. The standard application form shall be completed in its entirety and shall be accompanied by a site plan, drawn to scale, and showing the dimensions, arrangement and intended use of the proposed development. The application shall also be accompanied by a vicinity map showing the subject property, all properties within 100 feet and the names and addresses of all property owners within 100 feet as reported by the current County Assessor's records. If an application is submitted by any person or persons other than the property owner or authorized agent thereof, the application shall be jointly signed by the owner or agent, or there shall be submitted an accompanying certified statement from the owner or agent attesting to the knowledge and approval of the submittal. An application shall not be deemed complete unless accompanied by the required filing fee established by the City Council by ordinance or resolution.

Finding 5: The applicant has submitted an application that meets the criteria above and notice has been sent to property owners within 100 feet of the property boundary.

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 6: The applicant shall be conditioned to not exceed a height limit of 70 feet within the identified area shown in the submitted site plan. All other portions of the property shall be subject to the maximum height limit of 50 feet.

The Planning Commission may impose other restrictions as deemed necessary within the scope of the criteria above.

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 7: Due to the specific nature of the request and the fact that the proposal is not part of a current development proposal, staff does not recommend a time limit for the exception to the height limit.

Recommended Conditions of Approval: If approved the following conditions are recommended for application **CU-2019-111** to allow an exception to the height limit in the M1 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

1. The applicant shall not exceed the height limit of 70 feet within the identified area shown in the submitted site plan. All other portions of the property shall be subject to the current maximum height limit of 50 feet, or as may be amended.
2. The height exception within the area shown on the submitted site plan shall run with the property with no specific time limit.

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: 
Joshua Smith
Planning Director