



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT

HEARING DATE: Oct 20th, 2020

PROJECT NUMBER: Cu-2020-103

APPLICANT: Lucy Woodward
126 West 1st Street
Prineville, OR 97754

OWNER: Lucy Woodward
126 West 1st Street
Prineville, OR 97754

PROJECT REVIEWER: Casey Kaiser
Senior 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, 153.050, 153.081-153.096, 153.135 – 153.138

FINDINGS OF FACT:

- 1. LOCATION:** The proposed use will be located at 178 W 1st Street. The property is further identified as Map and Tax Lot 15-16-06AD 01300.
- 2. PROPOSAL:** The applicant is proposing to construct a site built single family home on property currently zoned Central Commercial (C1).
- 3. ZONING:** The subject property is zoned Central Commercial, (C1) and is designated Core Commercial in the Comprehensive Plan.
- 4. LOT OF RECORD:** The property has been determined to be a legal lot of record by deed.
- 5. SITE DESCRIPTION:** The site is approximately 17,090 sq. ft. and is currently vacant of structures. The site contains a paved parking area currently serving as additional parking capacity for the neighboring home also owned by the applicant. (2018 aerial image below)



6. FINDINGS SUMMARY: The proposed placement of a new site built residence on the property is allowed in the C1 zone as a type II conditional use. The proposed residential development is bordered on two sides by residential zone and bordered on 3 sides by residential uses. Commercial uses are across the street from the northern boundary of the property. The proposed site built home is in keeping with the current character of the neighborhood.

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 site built single family dwelling meets the dimensional standards including lot coverage and setbacks of the R2 zone.

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 C1 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. There will not be a Water, Wastewater, or Transportation SDC charged based on prior connection and use. Connection fees shall be due for water and sewer 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: 153.050 CENTRAL COMMERCIAL ZONE C-1 ZONE.

In a C-1 Zone, the following regulations shall apply.

(A) Purpose. The purpose of the C-1 Zone is to preserve and enhance the dominant characteristics of that area of the city identified as the Downtown Core Commercial Area with emphasis on pedestrian shopper convenience and safety, the enhancement of historic features, downtown improvement needs and designs and to enhance the area's economic importance as a commercial center of the community.

153.037 COMMERCIAL & INDUSTRIAL USE TABLE

Type II conditional use: Single Family Dwelling

Finding 2: The applicant is proposing to construct a home at the site that is intended for occupation as a single family residence. 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 well under the height limitation. The property meets the street frontage requirement on West 1st Street.

Criteria: (K) *Use limitations. In a C1 zone, permitted uses shall be subject to the following limitations and standards:*

(1) All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for drive-in windows as may be approved by the Planning Commission. Display of merchandise along the outside wall of the building shall not in any case impede parking or preclude pedestrian use of walkways, sidewalks and the like; these limitations do not apply to the outside display of merchandise during a merchants or community sponsored promotional sale.

(2) All building frontages or primary entrances shall be constructed to the sidewalk of the primary or higher order street. In the case of a corner lot where a building has no entrances on the side street, landscaping shall be provided as a buffer to the sidewalk. Exemptions to this rule include extensions to the streetscape that include outdoor seating for restaurants, cafés, bakeries etc. or plazas open to the public.

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

(4) 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 section (C) (1) 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. West 1st Street is classified as a local street.
- 2) The property is not well suited for commercial development due to location 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 C1 zone. However as a residence in a commercial zone the proposed use is subject to the standards of the R2 zone. The applicant is proposing to utilize the existing paved parking area which will accommodate the 2 off-street parking spaces typically required of a single family home in the R2 zone. The current paved parking is accessed from SW Beaver Street. If at some point in the future the applicant or future property owner creates access off West 1st Street it shall be paved in accordance with the standards of the R2 zone.

Recommended Conditions of Approval: Application Cu-2020-103 for siting a single family home in C1 Central 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. The proposed development shall 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 comply with any Crook County Building Department requirements.
3. The applicant shall take corrective action for valid complaint or nuisance declared by the City.
4. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances.
5. The proposed site built home shall meet current standards including those of the City of Prineville Land Use Code and the Crook County Building Code.
6. The proposed single family dwelling development shall include a minimum of two paved off street parking spaces.
7. The applicant shall connect the proposed home to city water and sewer services and pay all applicable 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 7th day of October 2020

Written By:


Casey Kaiser
Senior Planner