



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
FINAL DECISION

CONSENT DATE: February 5, 2008

PROJECT NUMBER: SUB-07-08-702

APPLICANT: The Mayberry Group
Tucker Mayberry

OWNER: Mayberry Investments, LLC, and
Peter B. Greene

**OWNER'S
REPRESENTATIVE:** Schwabe, Williamson & Wyatt
Tia M. Lewis
Mark Rust, AICP

ENGINEER: Hickman Williams & Associates
John Kahlie, Principal

**Transportation
Engineer:** Kittelson & Associates
Julia Kuhn
Joe Bessman

REQUEST: The applicant is requesting approval of an Outline Development Plan (ODP) for a Planned Unit Development. The ODP includes 306 residential living units on 190 acres (1.6 units per acre). The proposal include three categories of single family residential lots: 42 cluster lots (1,000 - 4,000 s.f.), 187 mid-size lots (5,000 - 7,000 s.f.) and 77 large lots (8,000 s.f. – 20,000 s.f.). The ODP identifies a minimum of 30% of the site as common open space, including a proposed dedication of 21.5 acres of floodplain area to the Crook County Parks and Recreation District.

PROJECT REVIEWER: Scott Edelman, Senior Planner

HEARING SUMMARY: The first public hearing on this proposal was held by the Planning Commission on December 4, 2007. Prior to the hearing, a site visit was conducted by the Commission and open to the public. Planning staff and Commissioners summarized the site visit on record at the beginning of the hearing. At the hearing, after the presentation of the staff report, applicant presentation and testimony from the public, the Planning Commission voted 6-0 to continue the public hearing to January 15, 2008 in order to allow the applicant additional time to address staff and Commissioner concerns. The applicant went on record as waiving the 120-day time clock from December 4, 2007 to January 15, 2008. After considering additional testimony, on January 15, 2008 the Planning Commission approved the River Steppes ODP, SUB 07-08-702, by a vote of 6-0 with conditions as indicated below.

SUB 07-08-702

River Steppes Decision

Decision and Conditions of Approval:

Based on the findings incorporated in the staff reports and records of the public hearings on December 4, 2007 and January 15, 2008. *SUB-07-08-702 is hereby approved subject to the following conditions of approval.*

The following is a list of the conditions of approval:

1. Recommendations are based on the submitted plan, and the improvements and physical conditions depicted thereon. Any substantial alteration to those plans, other than those that may be required by this decision, will require a new application. Any public Improvements proposed by the Applicant on the submitted plan or other submitted documents have been relied upon by Staff in formulating recommendations for this PUD Outline Development Plan approval.
2. Approval is limited to the PUD Outline Development Plan identified as River Steppes; consisting of a maximum 306 residential units which shall be consistent with the designations and number of housing types and lot sizes on the Outline Development Plan. Any change to this ODP, including a change to the number, type or location of housing units, shall require the applicant to apply for a modification to the ODP approval. Approval of this PUD Outline Development Plan does not constitute Tentative Plat Map approval.
3. The applicant shall apply for each phase of development with the City of Prineville Planning Department through the Tentative Plan Map review process. This review process will allow the City to adequately review water, sewer, and transportation infrastructure requirements needed to serve each phase of development. The applicant shall provide evidence that there is adequate capacity within the sewer and water systems to serve each tentative plat; such evidence shall be submitted for review prior to approval of each tentative plat. **In order to provide evidence that there is adequate capacity within the transportation system, the applicant shall provide a trip debiting letter indicating how much of the approved transportation systems capacity is utilized with each phase. The trip debiting letter shall be submitted to the City for review prior to approval of each tentative plat.**
4. All lots shall be connected to city approved water and sewer services prior to the signing of each final plat or have the improvements bonded for.
5. The Applicant shall be required to design, fund, and construct needed public and private improvements to City Standards and Specifications as determined by the City Engineer and in coordination with other City departments *prior to platting the respective phase for which the improvements are intended to serve.* See Exhibit A for the Engineer's Report regarding required improvements.
6. *Prior to platting any phase*, the applicant shall revise the ODP to change the proposed alley to a public street. The street shall include a minimum right-of-way of 40 feet with 28 feet paved width and no parking on the side adjacent to the lots. The street shall **be extended in order to provide access to a public street on both ends of the alley** or include a turn-around subject to review and approval by Crook County Fire and SUB 07-08-702

Rescue. **A sidewalk shall be constructed on the east side of the street with a planter strip between the curb and sidewalk.**

7. *Prior to platting any phase of this development*, the applicant shall provide written approval to the City from the Crook County Parks and Recreation District for any improvements proposed on property owned by the District. **The applicant shall be responsible for the funding and construction of all common open space and improvements referenced in the ODP and supporting material. Location and specifications for such improvements shall be subject to approval of the Crook County Parks and Recreation District.**

8. Platted lots may exceed the residential development areas identified on the Outline Development Plan map; however the plat shall designate any portion of any lot outside the designated development areas as “unbuildable”. **No construction of a building, fence or any other structure shall be allowed within this “unbuildable” area, nor shall any disturbance of the natural environment be allowed in these areas with the exception of fuels treatment necessary for fire prevention. The applicant shall clearly state these restrictions in the CCRs for the development and shall indicate that both the Homeowners Association and the City of Prineville have the right and ability to enforce this provision. This portion of the CCRs are subject to review and approval by the City attorney prior to platting any phase of the development.**

9. The applicant shall re-label the park in the legend from “City of Prineville Public Park” to “Crook County Parks and Recreation District Park” or “Land to be dedicated to Crook County Parks and Recreation.”

10. The applicant shall be responsible for the construction/installation of all improvements to open space shown on the ODP map and described in the burden of proof statement. All improved open space shall be developed or bonded for *prior to approval of the final plat for the first phase of development*. With each phase, the applicant shall demonstrate that the entire tract contains **a minimum of 30% open space**, consistent with the open space areas designated in the ODP. Open space development shall be suitably improved and/or enhanced for its intended use by the applicant prior to or with the development of the phase in which the open space is sited. A running total of open space shall be provided with each tentative plat. **The applicant shall indicate the intended use of all open space on the plat for each phase of the development.**

11. All proposed lots shall adhere to the dimensional standards as proposed in the applicant’s Burden of Proof with additional restrictions as follow:

- a. The minimum lot size for any lot designated as cluster housing shall be 1,000 square feet and the lot size range shall be adjusted accordingly on a revised ODP map (to be submitted *prior to platting any phase*).
- b. There shall be a minimum of two off-street parking spaces per dwelling.
- c. The minimum distance from the front of any structure to any public right-of-way shall be 10 feet.

- d. The minimum setback to any garage door facing a street from the public right-of-way shall be 20 feet.
- e. There shall be a minimum separation of 6 feet between any buildings or projections of buildings.
- f. **All two story homes and single story homes in the Upper Terrace portion of the development shall be subject to the maximum lot coverage of 35%. Single story homes within the Lower Terrace portion of the development shall be subject to 40% maximum lot coverage.**

12. The applicant shall comply with all easement requirements of the People's Irrigation District.

13. **Any cutting, filling and/or grading of the site shall be in compliance with the most current land use ordinance at the time of building permit.**

14. **The applicant shall install permanent signage on Rimrock Road to restrict through construction and freight traffic along the roadway due to potential impacts to the existing neighborhood and the narrow Crestview extension roadway. Contingent on ODOT approval, the applicant shall place signage along eastbound Highway 126 to alert drivers to the intersection of the highway and Rimrock Road.**

15. The applicant shall comply with all requirements of Crook County Fire and Rescue requirements for fire flows, sprinkler systems, fire hydrants, address signs and Knox Box locks and all other pertinent IFC requirements as specified during each Tentative Plan Map review and approval. Crook County Fire and Rescue shall have a signature line on any public improvements. Fire hydrants installed along the Crestview Extension shall include turn-outs for emergency vehicles unless otherwise approved by Crook County Fire and Rescue. Dimensions for such turnouts shall be subject to approval by the City of Prineville and Crook County Fire and Rescue.

16. The proposed street standards shall adhere to the minimum dimensions set forth in the street schematics as submitted by the applicant with the following additional requirements:

- a. The Crestview Extension and Hillside Standard street cross sections shall be revised to include a 40-foot minimum right-of-way dedication.
- b. The Crestview Extension street cross section shall include retaining walls as determined by the City. The design of the retaining walls shall be subject to review and approval by the City of Prineville.
- c. **Planter strips shall be required between the curb and sidewalk along all streets in this development with the exception of the twenty foot wide portion of the Crestview Road extension and the hillside public streets.**
- d. **Hillside public streets shall include 28 feet in paved width with five foot sidewalks and six inch curbs on both sides within a 40 foot right-of-way.**

- e. Due to reduced public right-of-way widths, at the discretion of the City, public utility easements may be required to be located outside of the right-of-way.**

17. The specific naming of the newly proposed streets will be reviewed during each future Tentative Plat Map review by the City of Prineville.

18. The City of Prineville reserves the right to perform maintenance on any necessary easements (i.e. storm water treatment facility, sewer, water drainage, etc.).

19. The applicant shall provide a minimum 30% open space as proposed in the Burden of Proof. The applicant shall coordinate maintenance of designated public open space areas with the Crook County Parks and Recreation Department. If the proposed dedication of land to the Parks and Recreation District does not occur, the applicant shall be fully responsible for the maintenance of the park and improvements through the Home Owners Association (HOA). Private Open Space shall be maintained through HOA and CCR's that are acceptable to the City. The City reserves the right to perform maintenance on privately owned open space parcels and assess the HOA should the area not be maintained per approved open space management plans. This statement shall be a part of the HOA by-laws and to be recorded with platting of the first phase of the project.

20. All common open space shall have its designated purpose declared on the final plat.

21. All storm water drainage shall be handled on-site. Specific engineering and storm water management concepts will be reviewed during the Tentative Plan Map approval process to assure compliance with City and State regulations.

22. Any future use of domestic livestock on the property is subject to compliance with Section 153.097 of the City of Prineville Code of Ordinances.

23. The applicant shall adhere to all applicable nuisance ordinances.

24. Approval of this Outline Development Plan shall have an extended time limit of 15 years, provided the applicant meets all the conditions of approval in this report and that they show substantial continual progress towards developing the site as shown on the PUD Outline Development Plan. The determination of "substantial progress" shall include consideration of project elements such as, but not limited to, the acquisition of Tentative Plan approvals, Final Plat approvals, park and open space development activity, wetland restoration and/or enhancement activities, off-site transportation mitigation payments and projects, infrastructure financing and construction, acquisition of public improvement bonds, etc. If at any time within the 15 year period a full year passes without any such "substantial progress", the Planning Commission may conduct a hearing in which the Commission may repeal or shorten the extended time limit.

25. The applicant shall pay all SDCs in accordance with the most recent City of Prineville SDC Ordinance to assist in meeting resource and public facility carrying capabilities. Said SDCs shall be paid as development of each lot occurs. The applicant is entitled to SDC reimbursements only as City of Prineville Code of Ordinances allow.

26. The City reserves the right to require such technical services as deemed necessary in the review of final requests regarding the actual construction of sewer, water, storm drainage, street improvements, and to any other situations and/or conditions that may arise as the development progresses as provided for in Section 153.100 of the City of Prineville Code of Ordinance.

27. As necessary to provide adequate utility service, the applicant shall provide public utility easements that are significant enough to provide adequate access and maintenance. The applicant shall coordinate public utility access and maintenance with the City of Prineville Public Works Department. Specific public utility easements will be reviewed for compliance during each Tentative Plat Map review process.

28. The applicant shall obtain all required local, state, and federal permits and comply with all applicable laws and regulations.

29. The applicant shall apply to the City of Prineville for Tentative Plat Map Review and Site Plan Review prior to any development and obtain all necessary permits as required from the Crook County Building Department. All new utility services shall be placed underground. Overhead electrical lines or electrical drops are prohibited.

30. The applicant is required to comply with all other applicable requirements of the R-2 zone, other than those exceptions made in this approval through the PUD process.

31. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances and the Comprehensive Plan.

32. The applicant shall reconfigure the intersection of Rimrock Road and Highway 126 to allow left-in, right-in, right-out movements at the time deemed appropriate by the City of Prineville and ODOT based on review of safety and operational data submitted by the applicant. Analysis and review of the intersection shall be provided to City staff *prior to approval of each successive project phase*. The intersection design shall be coordinated and approved through the City of Prineville and ODOT prior to construction of the modification.

33. The applicant shall comply with all recommendations presented in the "Report of Geologic Reconnaissance", prepared by Newton Consultants Inc, and stamped by David Newton.

34. Prior to final approval of the River Steppes ODP, SUB-07-08-702, the signed "Agreement to Grant Easements" submitted by the applicant shall be subject to review and approval of the City Attorney.

35. The applicant may be required to construct a northbound left turn lane into the development off of Highway 27 if warranted by any phase of the development.

36. Each cluster housing node shall include a community common building of sufficient size for the respective cluster node as shown on the ODP.

Date this 5th Day of February, 2008

Paul Cuddy _____
Planning Commission Chair