

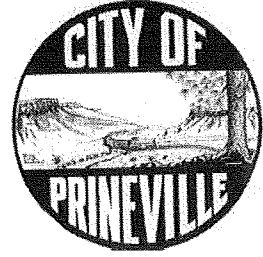
FOR OFFICE USE ONLY

SPR Number Cu-2011-105

Date Received 12/23/11

Zone: C2

Outright ☐ CU type 1 ☐ Cu type 2 ☒



City of Prineville

Site Plan for Change of Use Application

PLEASE NOTE: INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

PROPERTY OWNER AND APPLICANT INFORMATION

Applicant Name Jay C. Knicker Phone 541/447-4000 Fax 541/416-8012
Address P.O. Box 376 City Prineville State Or. Zip Code 97754
Email _____

Property Owner Kwik Holdings LLC Phone 541/447-4000 Fax 541/416-8012
Address P.O. Box 376 City Prineville State Or. Zip Code 97754
Email _____

PROPERTY DESCRIPTION

Property address: ¹²⁰⁵ 41207-1209-1211 NW 2nd St

City _____ State _____ Zip Code _____

Map # - Township 14 Range 15 Section 36 Tax Lot 2700, 2904, 2905

Present Zoning C2 Total Land Area _____ (Square Ft.) _____ (acres)

Present Land Use _____

PROJECT DESCRIPTION

Describe Project: change of use - Towing & Impound Facility

New Construction ☐ Remodel ☐ Addition ☐ Other ☒

Sq. ft. Bldg. (Including garages & accessory buildings) _____

No. of Stories _____

Change of Use-Site Plan Review Application

Page 1 of 2

Construction Type: ☐ Metal ☐ Wood ☐ Other ☐

Occupancy:


Commercial ☒ Single Family Home ☐ Industrial ☐ Office ☐ Other ☐

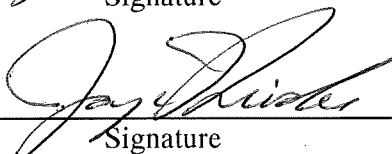
PROFESSIONAL SERVICES

Builder/Agent: _____ Phone ____/____/____ Fax ____/____/____
Address _____ City _____ State ____ Zip Code ____
Email _____

Architect/Designer/Engineer: _____ Phone ____/____/____ Fax ____/____/____
Address _____ City _____ State ____ Zip Code ____
Email _____

By signing this application, the undersigned certifies that he/she has read and understands the submittal requirements stated above. Please note: if the applicant makes a misstatement of fact on the application regarding ownership, authority to submit the application, acreage, or any other fact material relied upon in making a decision the Community Development Director may upon notice to the applicant and subject to an applicant's right to a hearing declare the application void.

Applicant:  Date: 12/21/11
Signature

Property Owner:  Date: 12/21/11
Signature

Please note: additional information may be required by the Planning Department prior to the application being deemed complete.



1-800-280-0712 • (541)447-0712 • FAX (541)447-0759

3451 SW Empire Dr • Prineville, OR 97754

info@btlliners.com • www.btlliners.com

Strength-Commitment-Guaranteed Containment

BTL™ -30

Single Scrim- LOW TEMPERATURE - HYDROCARBON STABLE

DESCRIPTION	BLACK 12 X 12 COUNT PER INCH	
FABRICATION & WAREHOUSE	PRINEVILLE, OREGON	
WEIGHT	17.5 OZ./SQ.YD. (+/-5%)	ASTM D 751
THICKNESS	30 MILS (+/-10%)	ASTM D 5199
COATING THICKNESS	7.0 MILS EACH (+/-10%)	
TENSILE STRENGTH (GRAB METHOD)	WARP 380 LBS. WEFT 450 LBS.	ASTM D 5034
ELONGATION TO BREAK	WARP 26 %	
TEAR STRENGTH (TONGUE METHOD)	WARP 30 LBS/INCH WEFT 40 LBS/INCH	ASTM D 2261
BURSTING STRENGTH (MULLEN)	730 PSI	ASTM D 3786
HYDROSTATIC RESISTANCE	709 PSI	ASTM D 751
PUNCTURE RESISTANCE	131 LBS. 238 LBS.	FED. STD. 101C, METHOD 2065 ASTM D 4833
MOISTURE VAPOR TRANSMISSION	.222 GRAMS/M2/24HRS.	ASTM E 96 B
LOW TEMPERATURE COLD CRACK	-85F	ASTM D 2136
PERMEABILITY	0.0134 CM/SEC	ASTM D 4491
CARBON BLACK CONTENT	2%	
CARBON BLACK DISPERSION	A-1	
UV RESISTANCE	90% STRENGTH RETAINED AFTER 2000 HRS.	ASTM G-151

ALL DATA IS DRAWN FROM U.S. TESTING AND PRECISION LABORATORIES. AVAILABLE ON REQUEST.

12-14-2011

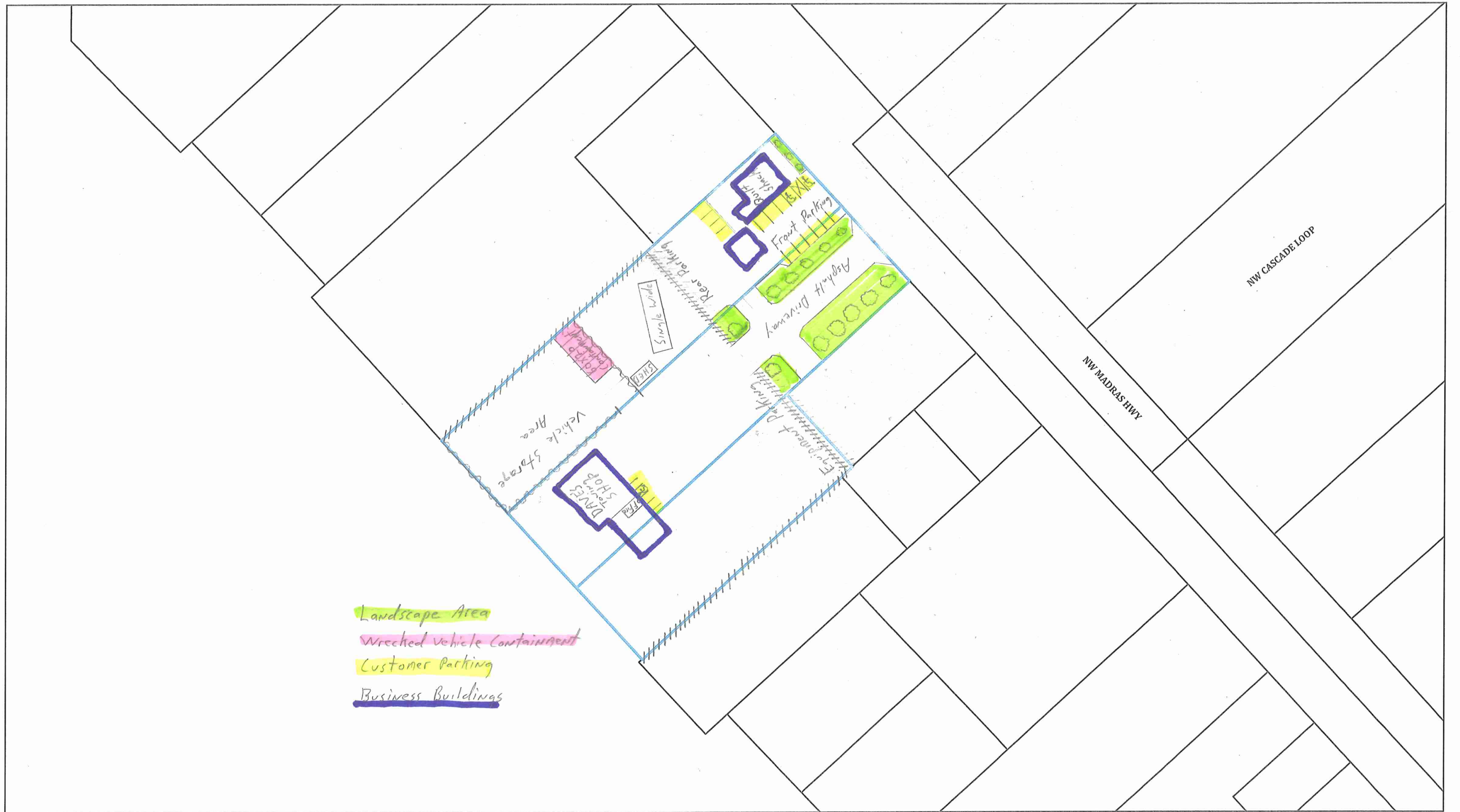


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Strength-Commitment-Guaranteed Containment

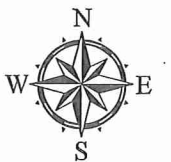
Polypropylene 8oz Non-Woven Geotextile

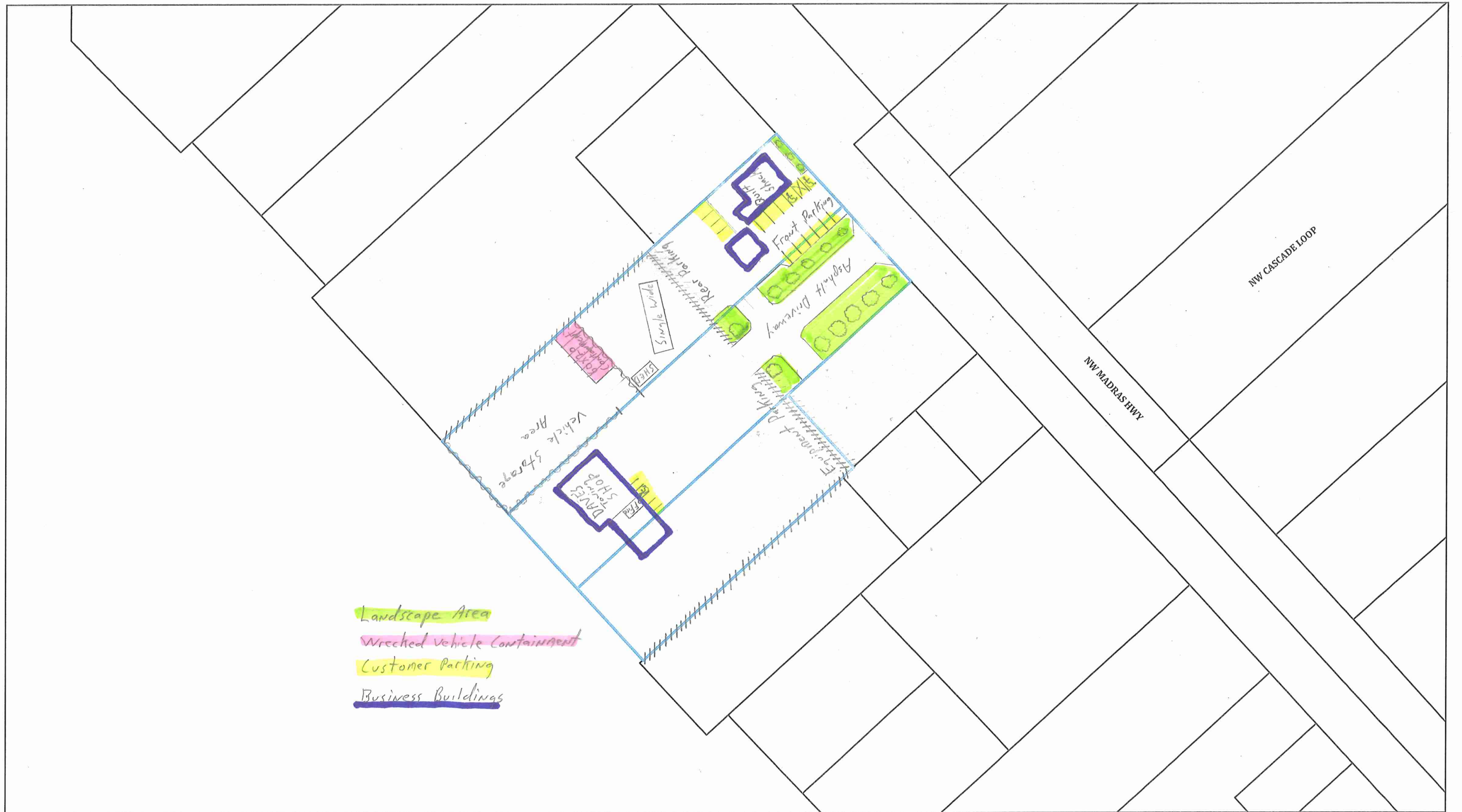
Property	Test Method	Minimum Average Roll Value ENGLISH	Minimum Average Roll Value METRIC
Grab Tensile	ASTM D 4632	203 lb.	.9 kN
Grab Elongation	ASTM D 4632	50%	50%
Mullen Burst	ASTM D 3786	380 psi	2619 kPa
Puncture	ASTM D 4833	120 lb.	0.533 kN
Trapezoid Tear	ASTM D 4533	80 lb.	0.355 kN
UV Resistance	ASTM D 4355	70%@500 hrs	70%@500 hrs
AOS	ASTM D 4751	80 sieve	0.15 mm
Permittivity	ASTM D 4491	1.5 sec ⁻¹	1.5 sec ⁻¹
Flow Rate	ASTM D 4491	110 gal/min/ft ²	4470L/min/m ²



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0 100 200 400 Feet





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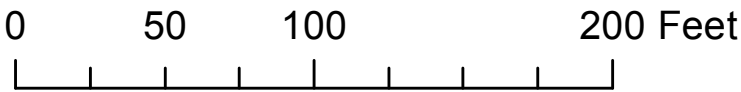
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2009 Aerial Site map with Riparian Setback





Oregon

John A. Kitzhaber, MD., Governor

Department of Fish and Wildlife

Prineville Field Office

High Desert Region

2042 SE Paulina Hwy.

Prineville, OR 97754

(541) 447-5111

FAX (541) 447-8065

www.dfw.state.or.us

January 5, 2012

Re: Proposal of change of use for 1205 NW Madras Hwy Map # 14-15-36 1400 Tax Lots 2700, 2904, 2905

Dear Joshua Smith,

The Oregon Department of Fish and Wildlife (ODFW) has some concerns with the proposal of change of use for 1205 NW Madras Hwy Map # 14-15-36 1400 Tax Lots 2700, 2904, 2905 because of its proximity to the Crooked River. The probability of fluid leaks from impounded vehicles is high at an impound facility. These fluids can either enter the Crooked River directly from overland flow, washed into the river in rain events, or by seeping through the sediment, which will have toxic and likely fatal effects on the flora and fauna associated with the river. The prevention of chemical spills is especially critical for the anadromous steelhead, a listed species on the Endangered Species Act that was recently re-introduced in the Crooked River. ODFW would like to know what precautions are taking place to prevent chemicals from entering the river and what the protocol will be if a spill does occur. Another concern with the proximity of the business to the river is the conservation of the riparian zone. ODFW wants to ensure that no structures are built and that no native vegetation is disturbed within 50 feet of the Crooked River as stated in the City of Prineville's riparian setback rules. Thank you for your assistance and I look forward to discussing these concerns with you.

Sincerely,

Tim Porter
Assistant District Fish Biologist
Deschutes Watershed District

CC: Brett Hodgson, ODFW Deschutes District Fish Biologist



Oregon

John A. Kitzhaber, M.D., Governor

Department of Transportation

ODOT District 10

63055 N. Highway 97, Bldg. K

Bend, OR 97701

(541) 388-6426

Fax: (541) 388-6022

Robert.J.Morrow@odot.state.or.us

November 25, 2011

File Code: PMT 4-23

Porfily Scott
SMAF Construction
P.O. BOX 672
Prineville, OR 97754

**Subject: Notification of Satisfactory Construction and Transmittal of
Permit to Operate, Maintain and Use a State Highway Approach
Highway Number 360, (Madras-Prineville),
At Mile Point 25.53
Application Number 17170**

The Oregon Department of Transportation (the Department) inspected the completed approach at the above mentioned location and determined that the approach was constructed in a satisfactory manner. All of the conditions required to issue a new permit have been satisfied. Thus, a ***Permit to Operate, Maintain and Use Approach*** is enclosed. The approach(es) can now be legally used.

The effective period of the *Permit to Operate, Maintain and Use an Approach* is set forth in OAR 734-051-0265, as follows:

734-051-0265

Effective Period of Permit to Operate, Maintain and Use an Approach

- (1) Except as otherwise provided, a Permit to Operate is effective unless:
 - (a) Revoked by mutual consent;
 - (b) Revoked for failure to abide by the terms and conditions;
 - (c) A change of use occurs as set forth in OAR 734-051-0045;
 - (d) Safety or operational problems exist as set forth in OAR 734-051-0275;
 - (e) The highway facility is significantly improved to meet classification of the highway, highway mobility standards, spacing standards, and safety criteria that are inconsistent with the approach; or
 - (f) By other operation of law.
- (2) The Permit to Operate is binding on successors and assignors including successors in interest to the property being served by the approach.
- (3) The operation, maintenance, and use of an approach are subject to the control of the legislature over the state highway system.
- (4) A Permit to Operate should not be construed to be beyond the power or authority of the legislature to control the state highway system.
- (5) Acceptance of a Permit to Operate is acceptance of all special provisions, mitigation measures, conditions, or agreements, identified and approved through the application process and acknowledgment that all rights and privileges may be changed or relinquished by legislative action.

**Notification of Satisfactory Construction and
Transmittal of *Permit to Operate, Maintain and Use a
State Highway Approach***

Highway Number 360, (Madras-Prineville), at Mile Point 25.53
Application Number 17170.<Highway Name>, <Hwy.No. >, at <Milepoint> <Application
Number XXX>
Friday, November 25, 2011December 1, 2000
Page 2

If you have any questions regarding the operation, maintenance or use of your
approach(es), please contact me a (541) 388-6426

Sincerely,



Robert Morrow, Permit Specialist<Permit Specialist>
ODOT District 10, Maintenance Office DOT District

Attachments (*Permit(s) to Operate, Maintain and Use a State Highway Approach*)

Applicant

Last Name:	Krider	First Name:	Jay Krider
Company:	Active Towing	Address Letter To:	Designated Agent
Street Address:	2584 NW Gerke Road	Mailing Address:	2584 NW Gerke Road
City:	Prineville	State:	Oregon
Zip:	97754	Country:	USA
Phone:	(541) 416-8012	FAX:	(541) 416-8012
Cell:	(541) 410-6237	eMail:	jay.towing@prineville.net

Approach Location

Highway:	360 Madras-Prineville	Route:	US26	County:	Crook
MP:	25.53	Hwy Side:	R	National Forest?:	<input type="radio"/> Yes <input checked="" type="radio"/> No
Reason For Request:	New approach	Existing Approach?:	<input type="radio"/> Yes <input checked="" type="radio"/> No	<input type="checkbox"/> Restricted Use	
Interest in Adj. Property?:	<input type="radio"/> Yes <input checked="" type="radio"/> No				

Designated Agent

Last Name:	Scott	First Name:	Portly				
Company:	SMAF Construction	Mailing Address:	P.O. BOX 672				
City:	Prineville	State:	Oregon	Zip:	97754	Country:	USA
Phone:	(541) 447-5643	Cell:	(541) 480-8128	FAX:	(541) 447-2190	eMail:	OFLSMAF@prineville.net

Local Government

Land Use Review Req'd?:	<input type="radio"/> Yes <input type="radio"/> No	TIA Submitted Reason Code:		Land Use Review Status:	
Current Zoning:		Comprehensive Plan Designation:			
Proposed Zoning:		Neighbor Notification:		Local government Land Use File No.:	
Jurisdiction:		Contact:		Title:	
Address:		City:		Zip Code:	
Phone:	() - () - ()	Cell:	() - () - ()	FAX:	() - () - ()
Local Govmt. Signature:		Date:	00/00/0000	email:	

Applicant Signature block

Application Signed by: Scott Portly

Date: 09/01/2011

Miscellaneous

Fee Factor:	Fee Waived	Fee Amt:	0.00
Serving Other:		Public Street Name:	
Created by:	Morrow, Robert	Created:	09/02/2011
Updated by:	Morrow, Robert	Updated:	11/25/2011

Metric Measure Ind.: <input type="text"/>	Apprch Appl ID: <input type="text" value="17170"/>	Apprch_Permitt_Appl_Appl_ID: <input type="text" value="17170"/>
Status: <input type="text" value="AU"/>	Status Reason: <input type="text"/>	Status Date: <input type="text" value="11/25/2011 15:11"/>
Cutoff Date: <input type="text"/>	Appl Owner: <input type="text" value="252"/>	Deviation: <input type="text" value="3"/>
Received Date: <input type="text" value="9/2/2011 00:00:00"/>	Received By: <input type="text" value="252"/>	Blanket Permit: <input type="text"/>
Mlge. Type: <input type="text"/>	Rdwy ID: <input type="text" value="1"/>	Other Reas. Accss.: <input type="text"/>
Urban/Rural: <input type="text" value="1"/>	HWY Seg. Desig.: <input type="text" value="0"/>	Ramp Ind.: <input type="text" value="0"/>
Joint Access: <input type="text" value="0"/>	Alt. Access: <input type="text" value="0"/>	Access Mgmt Plan: <input type="text" value="0"/>
Mainline/Crossing: <input type="text"/>	hrz_coil_meth_cd: <input type="text"/>	Other Reas. Access Addt.: <input type="text"/>
		Public/Private: <input type="text" value="1"/>
		Mobility Standard: <input type="text" value="0"/>
		coord_ref_datum_nm_tpy: <input type="text"/>

Approach to Serve:

Land Use: <input type="text" value="Retail"/>	No Of Units: <input type="text" value="2000"/>	Unit Of Meas: <input type="text" value="Sq. Ft."/>	Unit Of Meas: <input type="text" value="94.2000"/>
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Turning Movements

<input checked="" type="checkbox"/> All Movements	<input type="checkbox"/> Right In	<input type="checkbox"/> Right Out	<input type="checkbox"/> Left In	<input type="checkbox"/> Left Out
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City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
STAFF REPORT

HEARING DATE: January 17, 2012

PROJECT NUMBER: Cu-2011-105

OWNER: KnK Holdings LLC.
P.O. Box 376
Prineville OR 97754

APPLICANT: Jay Krider
P.O. Box 376
Prineville OR 97754

PROJECT REVIEWER: Joshua Smith
Senior Planner

APPLICABLE CRITERIA:

(1) City of Prineville Code of Ordinances, Title XV, Sections - 153.014, 153.037, 153.038, 153.051, 153.080 – 153.097, 153.135 - 153.139.

FINDINGS OF FACT:

1. **PROPOSAL:** A change of use from a woodworking/cabinet shop to a towing and impound facility.
2. **LOCATION:** 1207 NW Madras Hwy. Map # 14-15-36 Tax lots 2700, 2904, 2905.
3. **ZONING:** The subject property is zoned C2 (General Commercial). A zoning text Amendment (application # AMEN-2011-102) to allow towing and impound yards within the C2 zone was approved on December 13th, 2011 by Ordinance #1186,
4. **SITE DESCRIPTION:** Tax lot 2700 has a commercial business located near the Hwy. (Quilt shop) with a single wide trailer behind it. The back (western) portion of the property is vacant where the applicant is planning to locate the impound yard. Tax Lot 2904 is mostly vacant with a large shop near the rear of the property. Tax Lot 2905 is mostly vacant with a smaller shop near the rear of the property. The properties do not actually abut the river; the nearest point is ~25ft. away at the southern corner of tax lot 2905. The City of Prineville owns the property abutting the river.



5. **COMMENTS:** ODFW submitted a letter outlining concerns based on the proximity to the Crooked River.
6. **FINDINGS SUMMARY:** A vehicle towing/impound yard is allowed as a use within the C2 zone. The property is required to have a 6ft. site obscuring fence surrounding the property and currently does. Handicap and employee parking for the office building is required to be paved but paving of the maneuvering areas within the facility are not recommended. A landscape plan shall be submitted and approved or approved in general terms during the hearing along with any additions from the Planning Commission with regard to buffering and screening. A lined containment area shall be constructed for wrecked or leaking vehicles and it is recommended that the Commission require the applicant to delineate the property line and/or 50ft. setback from the river, whichever is greater, using existing boulders on site.

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 orderly development and economic growth. The use was also extensively reviewed in general terms during the hearing for the zoning text amendment (App. AMEX-2011-102) that allowed this use in the C2 zone.

B) The proposal is in compliance with the applicable zone as mentioned in (A) above. The natural features overlay district does touch the southernmost property along Crooked River. This overlay requires a 50ft. development setback from top of bank; however, no development is proposed other than fences that will be greater than 50ft. away. The proposal is meeting or can meet applicable provisions through conditions of approval.

C) The applicant has a license to operate in the state of Oregon; the license is displayed on each individual truck. The City also has a contract with the applicant that requires the applicant to provide specific services. The city is not aware of any Federal or other State regulations that pertain to towing yards, however, pollution regulations could be an issue if the facility is poorly managed.

D) The proposed use shall comply with specific standards listed in section 153.083(U) and use limitations of the C2 zone. These are discussed in Findings 3 & 8 respectively.

E) The proposal is not expected to exceed the carrying capacity of the previous use with regard to sewer, water and traffic. The property accesses a State Hwy and ODOT has approved an access permit with no additional improvements required.

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 bring the use 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

Vehicle Towing/Impound Yard: Conditional use Type 2

Finding 2: As previously stated, "Vehicle Towing/Impound Yard" was added as a use to the C2 zone through a text amendment. The use is required to be processed as a type 2 conditional use, meaning a public hearing and Planning Commission approval is required.

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.

(U) Vehicle Towing/Impound Yards. In considering an application for a vehicle towing/storage/impound yard, the following factors, conditions and limitations shall be applicable:

(1) A building and/or enclosure or other barrier at least 6 feet in height shall be constructed and maintained, and that the subject use shall be contained totally within the building and/or enclosure.

(2) No activity involving any wrecking, dismantling or altering of vehicles shall be permitted on the site.

(3) The site includes adequate containment area for wrecked cars which includes a petroleum-resistant liner.

(4) No vehicle may be stored on the site in excess of 60 days.

(5) Special consideration shall be given to the following factors, and additional setbacks, screening and other conditions and limitation may be established relative thereto.

(a) Proximity to residentially zoned areas and existing residential uses on non-residentially zoned property.

(b) Proximity to churches, schools, hospitals, clinics, public buildings, recreational facilities, or other places of public assembly or gathering.

(c) Visual impact from neighboring properties and adjacent public rights-of-way.

(d) The health, safety and general welfare of the city and the public.

Finding 3:

- 1) The property has an existing site obscuring fence on all sides except the rear which borders City property along the river. A fence along the rear of the property is considered unnecessary as it abuts the City's wastewater treatment plant located on the other side of the river. The applicant has verbally stated and shown on the submitted site plan that a separate enclosure within the enclosed property may be constructed for better security of the impound yard.
- 2) It is not the intent of this application to approve a wrecking yard, scrap yard or second hand parts facility. The property shall be used for towing and impound only.
- 3) A separate containment area shall be provided for wrecked or leaking vehicles. The applicant's site plan shows an area within the proposed impound for a lined containment area. The applicant has also provided the data sheet for the proposed liner produced by BTL.
- 4) It is the responsibility of the applicant to move vehicles through the system and not allow them to be stored for more than 60 days.
- 5a) The surrounding properties are zoned commercial C2 or Industrial M2. There is an old single wide mobile to the east near the Hwy and a single family home on a large parcel to the north of the property buffered by its own shop.

- b) There is a vacant commercial business to the south of the property with a convention center and restaurant near the Hwy.
- c) The use is not within proximity of facilities listed in section (b). The primary visual impact is adjacent to the Madras Hwy. The applicant shall provide a landscape plan to enhance the entrance to his business and the community as a whole. The plan shall be approved or approved in general terms during the hearing. Potential visual impacts are further mitigated by the distance of the use from the Hwy.
- d) With the existing site obscuring fence, and the completion of the proposed landscaping and lined containment area, staff believes the applicant will have taken reasonable measures to protect the health, safety and general welfare of the City.

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.*

(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.*

(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 4: This application for a change of use is exempt from the design review process because nothing is being constructed and the impacts of the use with regard to water, sewer and traffic are of equal or lesser impact. Therefore the design review criteria will not be reviewed; however, the conditional use criteria (*Finding 9*) still applies allowing the Planning Commission to impose additional conditions similar to those under the design review criteria.

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

(D) Specific Parking Requirements by Zone.

(4) *C-2, C-3, C-4 and C-5 Zones. All parking demand created by any use permitted in this zone shall be accommodated entirely on-site or off-street on another area or adjoining site within a reasonable walking distance of not more than 1,200 feet that is available for the subject use in compliance with the standards set forth herein. The location of any off-site parking area that requires pedestrians to cross an arterial or collector street or highway to obtain access to the subject use is prohibited.*

(E) Parking Table.

Storage warehouse, manufacturing, transport facility.	1 space per employee.
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153.086 OFF-STREET PARKING AND LOADING: DESIGN/IMPROVEMENT STANDARDS.

(C) *Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall not be located farther than 600 feet from the building or use they are required to serve, measured horizontally in a straight line from the building or use, or not more than 1,200 feet from the building or use they are required to serve, measured along the route of the shortest and most direct walking distance, whichever is greater.*

(E) *Unless otherwise approved by the City Planning Commission, all areas used for parking and maneuvering of vehicles when required by section 153.085 shall have durable and dustless surfaces maintained adequately for all weather use as herein defined. DURABLE AND DUSTLESS SURFACES shall mean to be surfaced with asphaltic concrete, concrete or equivalent material. Exceptions include the following when the use is determined not to cause a nuisance and are approved by the reviewing authority:*

(3) *Storage of bulky merchandise (ex. building materials, ranching and farming materials, contractor yards)*

Finding 5: The applicant has already paved from the Hwy up to the gated entrance of the facility. The Applicant shall pave or concrete an area for handicap parking and at least two employee spaces for those working in the office as shown in the applicant's site plan. Staff believes it is unnecessary to pave maneuvering areas within the facility and parking spaces for each diver. Staff believes it would be an excessive and unreasonable requirement due to the type of business and would add unwanted impervious surface to a site near the river. Therefore staff recommends the Planning Commission waive all paving requirements other than the handicap space and spaces for office employees.

The impound yard is considered storage of bulky merchandise and exempt from the paving requirement. In fact staff recommends a condition that this area not be paved due to the potential of concentrated stormwater runoff entering the river directly during heavy rain events.

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.*

(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.*

- Landscaping in the C2 zone is 10%

(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.

(b) An aesthetic and/or noise reducing landscaped buffer may be required between land uses as follows.

(1) Commercial uses abutting a residential zone, public recreation area or use, institutional use, scenic resource, noise sensitive use or public right-of-way.

(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 6: The applicant has proposed landscaping along both sides of the driveway entrance to the facility from the Hwy to the gate. The applicant shall provide a landscape plan for review and approval or the Commission can approve a plan in general terms and make it part of the conditions. All plantings shall meet or exceed the standards above and be properly maintained and replaced if they do not survive.

Criteria: 153.088 RIPARIAN HABITAT, SCENIC PROTECTIONS, SLOPE HAZARD

For regulations on riparian habitat, scenic views and slope hazards see Chapter 155 - Natural Features Overlay District (NFOD) (Ord. 1165, passed 11-10-2009).

155.060 Surface Water Features

1. Purpose. *The purpose of this Section is to protect and enhance significant surface water features and their respective riparian areas while allowing for efficient urban development outside required setback areas. To minimize impacts to the resource, Planned Unit Developments and Cluster Developments are encouraged.*

5. Required setback areas. *At a minimum, setback areas shall be required to protect significant surface water features and their riparian areas from development impacts, and to protect approved development from potential natural hazards. Setbacks are measured horizontally from and parallel to the boundary of the protected surface water feature, as indicated in Table 155.1.*

TABLE 155.1: REQUIRED SURFACE WATER SETBACK AREAS

Crooked River	Top of river bank or edge of associated wetland	50 feet
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Finding 7: As stated above, all development impacts shall be at least 50 ft. from top of bank. There are no structures being approved with this application. The applicant may at a

future time erect a fence at the rear of the property that shall maintain a 50 ft. setback. The only riparian area that exists today is on the slope of the bank. A major restoration effort would be needed to restore the riparian area within 50ft. of top of bank, most of which is on City property. Staff recommends the Planning Commission require using existing rocks on site to outline the property line and/or 50ft. setback, whichever is greater, to protect City property and the river from further vehicle traffic.

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 8:

1) The proposed storage of vehicles is common and integral component to the use permitted in the zone such as with auto sales, building and farm equipment and the like. This is an exception made for such uses in section 153.093(C) Outdoor Merchandising. The applicant shall adhere to the outdoor merchandising rules should such activity take place.

2) As stated previously the property is surrounded by a new site obscuring fence.

3) Should the City receive nuisance complaints about the business the City will take the appropriate action at that time and work with the applicant to solve or mitigate the problem.

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 9: Above is a list of specific conditions the Planning Commission may require as a condition of approval. Along with the conditions in previous findings staff recommends that the Commission require the applicant to delineate the property line and/or 50ft. setback from the river, whichever is greater, using the existing boulders on site. This will help protect City property and the Crooked River from inadvertent vehicle traffic.

Recommended Conditions of Approval: Application Cu-2011-105 is recommended for approval. The approval 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 Fire Department requirements for fire flows, sprinkler systems, fire hydrants, address signs and Knox Box locks and all other UFC requirements. The applicant shall coordinate with the Crook County Rural Fire and Rescue in this endeavor.
2. All storm water drainage shall be maintained on-site and not drain onto adjacent property.
3. The applicant shall adhere to the general layout of the submitted landscape plan. Due to seasonal constraints landscaping will not be required until the spring planting season.
4. The applicant shall construct a lined petroleum resistant containment area for wrecked and/or leaking vehicles for at least 6 vehicles as shown in the applicant's site plan.
5. The applicant shall provide a paved parking area of at least 2 spaces plus an ADA accessible space. Paving between the gate and the parking area is not required.
6. The applicant shall not pave the impound yard unless properly designed to capture and treat stormwater.
7. The applicant shall delineate the property line and or 50ft. setback from the river whichever is greater using existing boulders on site.



8. Applicant shall secure any and all City, County & State permits required for the proposed development prior to use.

On-going Responsibilities

9. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances.
10. The applicant shall maintain landscaping, drainage and containment facilities.
11. No activity involving any wrecking, dismantling or altering of vehicles shall be permitted on the site and no vehicle may be stored on the site in excess of 60 days.
- 12.
- 13.

PLEASE NOTE: IT IS VERY IMPORTANT THAT THE WORDING OF A MOTION FOR DECIDING ON A LAND USE APPLICATION BE STATED AS PROVIDED BELOW, PRIMARILY TO ENSURE THAT THE STAFF REPORT AND PUBLIC RECORD ARE INCORPORATED INTO THE DECISION AS PART OF THE FINDINGS OF FACT.

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 17th day of January 2012

Written by:


Joshua Smith
Senior Planner