



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
FINAL DECISION

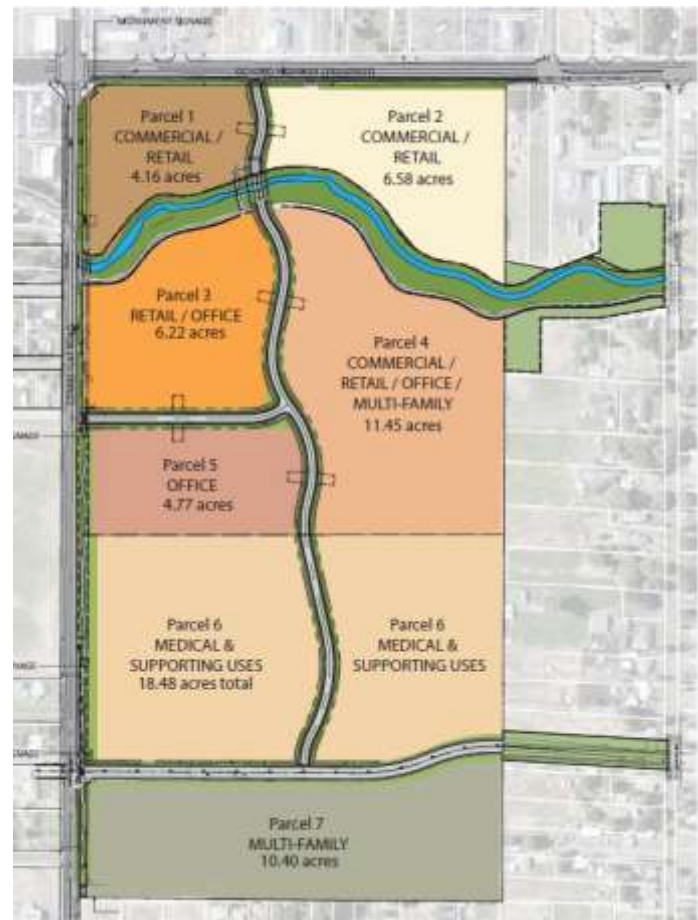
CONSENT DATE:	December 3rd, 2013
SECOND HEARING DATE:	November 19th, 2013
FIRST HEARING DATE:	November 5th, 2013
PROJECT NUMBER:	AM-2013-101 (RMP)
APPLICANT:	St. Charles Health System c/o Kirk Schueler 2500 NE Neff Road Bend, OR 97701
OWNER:	Ochoco Lumber Company c/o Donna Barnes PO Box 668 Prineville, OR 97754
ATTORNEY:	Laura Craska Cooper Ball Janik LLP 15 SW Colorado Avenue, Suite 3 Bend, OR 97702
LAND USE PLANNER:	Christine McKelvey Mackenzie RiverEast Center 1515 SE Water Avenue, #100 Portland, OR 97214
CIVIL ENGINEERS:	Ron Hand Steve Hannas, PE WHPacific, Inc 123 SW Columbia St Bend, OR 97702
TRAFFIC CONSULTANT:	Joe Bessman, PE, PTOE Kittelson & Associates, Inc. 354 SW Upper Terrace Dr. Suite 101 Bend, OR 97702
PROJECT REVIEWER:	Joshua Smith Senior Planner

APPLICABLE CRITERIA:

(1) City of Prineville Code of Ordinances, Title XV – Chapters 153.014, 153.063, 153.080-097, 153.136 & 153.190-200.

FINDINGS OF FACT:

1. **LOCATION:** The subject site is located at the southeast corner of 3rd St. (US 26) and Combs Flat Rd. (OR 380). The address of the Ochoco Lumber Company office, the only building currently on the site, is 200 SE Combs Flat Rd. The site encompasses the following tax lots: 151604B007200; 151604B007202; 151604B007100; 151604B007300; 151604C002900.
2. **ZONING:** The property was rezoned to Commercial Mixed Use (CMU) on August 27th, 2013 by Ordinance 1199.
3. **SITE DESCRIPTION:** The site is the location of the former Ochoco Lumber Mill Site. All mill buildings have been removed with the exception of the Ochoco Lumber office, located along Combs Flat Rd. Below is a 2011 aerial of the site and a view of future master plan parcels.



4. **PROPOSAL:** On August 7, 2013, the city approved an amendment to the Comprehensive Plan Map and Zoning Map, re-designating this site from light industrial to mixed use. However, since amendment was completed by the city's initiative, in accordance with Prineville Code 153.063(F), no development is allowed to take place on the subject site until the city has approved a Regulating Master Plan. The applicant/owner, St. Charles Health Systems, Inc., in cooperation with the Ochoco Lumber Company, is requesting approval of a Regulating Master Plan to guide future build-out of this site.
5. **RELATED DOCUMENTS:** CMU-2013-100, C-2013-105, LP-2013-101 & ENG-2013-100
6. **LOT OF RECORD:** The site is currently in the partition process (LP-2013-101) after which it will consist of three legal lots of record. Prior to full dedication of right-of-way, a subdivision will be required in order to divide the property into the seven parcels shown in the regulating master plan.
7. **AGENCY COMMENTS:** Oregon Department of Transportation (ODOT) has submitted comments in regard to this application. They are attached as Exhibit B
8. **EXHIBITS**
Exhibit A – Ochoco Mill Regulating Master Plan

9. **FINDING SUMMARY:**

This is the first time Prineville has had the opportunity to test section 153.063 of the Development Code as these mixed use criteria were added in the last code update, specifically with the Ochoco Lumber Site in mind. At the initiative of the Planning Commission, the zoning on the portion of the site was changed from M2 (heavy industrial) to CMU (commercial mixed use). The next step required prior to development of this site is the approval of a Regulating Master Plan, which is the purpose of this application.

The following findings represent staff's review of this proposal. Overall, it is the opinion of staff that the applicant/owner has submitted a proposal that largely fulfills the intent of the mixed use zone. Through the proposed site layout, streetscape, building design standards and other elements of the Regulating Master Plan, this plan has the potential to facilitate a high quality, cohesive mixed use development which can be a community within itself as well as a major employment/shopping/entertainment area for the greater community.

Through the course of reviewing this proposal, staff has raised several concerns with the applicant/owner. The majority of these have been resolved through revisions to the Outline Development Plan. However, there are still several outstanding items of which the Planning Commission should be aware:

1. Proposed Uses. Figure 9 on Page 9 is the map which shows proposed uses on each parcel. It shows general categories, such as Retail/Office or Multi-Family. Generally, this would be the plan that staff would use to determine what uses would be allowed on each parcel. However, the Outline Development Plan makes it clear that

the applicant/owner intends for these categories to be purely conceptual and has included Allowed Uses Tables on pages 14-21. The applicant/owner's proposal is that these tables, not the Figure 9 map, will dictate which uses can be allowed on each parcel. This is an acceptable way to determine allowed uses; staff only has two issues with this approach. First, when typical citizens look at a map like Figure 9, they usually make the reasonable assumption that the uses shown on the map are the actual uses that are being proposed for each parcel. Having this be purely conceptual with the real uses in a separate table can be misleading and confusing. Second, since the applicant/owner has listed each use line-by-line, it is important that Planning Commissioners look at each of these uses to make sure they agree that the proposed uses are appropriate for the designated parcel.

2. Neighborhood Compatibility. It is the opinion of staff that the Outline Development Plan does not adequately address the neighborhood compatibility standards. These are the requirements which either require similar development to properties immediately adjacent to the site (the residential lots to the east and south) or sufficient buffering/screening/setbacks to allow a transition that will not negatively affect the neighboring uses. This is partially addressed through increased setbacks for two story commercial/industrial buildings (Table 10, pg. 23). However, there are no increased setbacks for multi-story multi-family buildings or for any single story commercial/industrial buildings. Further, on page 25 of the Outline Development Plan, a maximum setback of 50 ft. is established; it is the opinion of staff that this should be eliminated to be consistent with the standard of the mixed use zone which requires a setback for multi-story buildings from neighboring residential properties equal to twice the height of the structure. The Outline Development Plan does show a 15 ft. berm/vegetative buffer on page 25; however, there is no detail as to the density of the plant/tree coverage. In the absence of sufficient information to ensure neighborhood compatibility, staff is proposing a condition which would require any use within 50 feet of a neighboring residential property to be processed as a Type 2 Conditional Use (hearing before the Planning Commission). Alternately, the applicant/owner could propose additional requirements/restrictions within the Outline Development Plan to better ensure future neighborhood compatibility.
3. Open Space / Centralized Park. The applicant/owner is required to provide 20% open space for the overall site with half of that open space being contained in a single, centralized park (pgs. 33-34). This proposal meets the overall open space requirement and proposes to meet the specific centralized park requirement by providing open space within the riparian area of the creek along with three relatively unusable areas in the easternmost portion of the site which connects to Willowdale. Staff would like the Planning Commission to consider whether or not this sufficiently meets the requirement for a "centralized" park. The primary concern of staff is that the proposed development could have a very significant amount of multi-family housing. At the proposed average density of 20 units per acre, Parcel 4 and Parcel 7 would each be able to have well over 200 housing units. The Outline Development Plan does not include any provision for providing

recreational open space for multi-family housing units. The plan does designate 12% of the area of each parcel for open space, which may be sufficient to meet this need; however, nowhere in the plan does it indicate that a large portion of this required open space will be utilized for a recreation area. In order to address this, it is staff's recommendation that a condition be included that would require any multi-family housing to be treated as a Type 2 Conditional Use in order for the Planning Commission to ensure adequate open space will be provided to meet the needs of multi-family housing residents. Alternately, the applicant/owner could propose additional requirements/restrictions within the Outline Development Plan to better ensure this need for recreational areas will be met.

4. Ochoco Creek Trail. The Crook County Parks and Recreation Master Plan shows the Ochoco Creek Trail extending from its current ending at 3rd St. to the southeast to Combs Flat Rd. and then east through the Ochoco Lumber site. This plan was adopted by the City as an appendix to the 2007 Prineville Comprehensive Plan. The City has recently received a grant to repave the existing Ochoco Creek Trail from Harwood Ave. to 3rd St. and is actively pursuing grant funding for a rails-to-trails project which would expand the trail network to include a paved trail down the vacated rail line, including the section between 3rd St. and Combs Flat Rd. This would tie the Ochoco Lumber site into the paved trail network. Citing environmental reasons, the Outline Development Plan proposes to construct the trail through the site as a 10 foot wide dirt path, rather than a paved multi-use trail. It is the opinion of staff that it is very important for the community that this trail is constructed as a paved trail, built to the same standards (in accordance with the Oregon Bike and Pedestrian Plan) as the rest of the paved trail. Allowing the trail to be constructed as a dirt path through the Ochoco Lumber site would effectively end all opportunity to construct a paved trail any further east than Combs Flat Rd. The Ochoco Creek Trail is a significant community resource in regard to health, recreation and transportation. A dirt path, while highly usable by mountain bike riders, walkers and joggers, is not as accessible as a paved path by many other users, including those using skinny tired bikes, wheel chairs, skate boards and other methods of transportation geared for hard surfaces.

10. FIRST HEARING SUMMARY:

Staff provided an in depth presentation describing the master plan proposal and calling out several items for discussion by the Planning Commission. Donna Barnes from Ochoco Lumber provided a brief history of the mill and discussed the process that got them to where they are today. A representative from the Mackenzie design team presented the master plan in detail from the applicant's perspective and addressed the items presented by staff. The applicant's traffic engineer discussed the improvements to Combs Flat Rd. and 5th St. extension, as well as access points, signalization on 3rd St. and the trail system. The applicant's attorney asked for approval and closed the applicant's presentation and opened the floor for the Commission to ask questions of the team.

Planning Commission questions consisted of questions about trip generation, highway crossing, open space calculation, trail connection, flood issues, whether the office would stay and if the plan considered architectural elements to recognize the mill site.

Several people spoke in support of the application with none in opposition. Ron Cholin made a motion to continue the hearing to November 19th, Kim Kambak seconded the motion and the motion passed unanimously.

11. SECOND HEARING SUMMARY:

Staff provided an abbreviated presentation outlining 7 discussion items to resolve prior to approval. Those items were: proposed uses, Neighborhood Compatibility, Open Space/Central Park, Ochoco Creek trail (paved vs. unpaved), Internal Sidewalk widths, Combs Flat improvements and any other item brought up by the Commission or public. A representative from ODOT then spoke in favor of the application but recommended that an approval be delayed until a complete design of Combs Flat Rd. has been approved. ODOT feels the design should remain within the public process and provided a letter for the record explaining their position. The applicant's traffic engineer also provided a memo for the record demonstrating the proposed design to date. The engineer then spoke about the public process that led to this point, citing the Transportation System Plan update that had recently been adopted and specifically addressed these design issues. The applicant's engineer felt that the public process has been met and saw no reason for the Planning Commission to continue the hearing until the City, ODOT and the applicant had worked out the details. Staff agreed with the applicant and recommended the conditions regarding highway improvements be approved as written. The applicant's attorney then spoke about the various other items mentioned in the staff presentation before the Commission went into deliberations. There was no additional public comment at this hearing. The meeting was left open through deliberations so the Commission could continue to ask questions. Staff went through each item in the presentation asking the Commission if they had any changes. Several changes were made to the conditions as follows:

Condition 9: The paved trail option in was eliminated leaving the requirement for a soft surface trail.

Condition 10: A requirement to include the additional buffer detail in the plan was added.

Condition 11: 12 % was changed to 11.4% to reflect the actual open space calculation.

Condition 12: 8ft. sidewalks were changed to 6ft. and flexibility for the required 12ft. sidewalks was added during site review.

Condition 15: "owner" and bonding option were added.

After deliberations the hearing was closed. Deb Harper made a motion to approve the application, Bob Orlando seconded the motion and the motion passed unanimously.

Conditions of Approval: Application AM-2013-101-RMP for a Regulating Master Plan for the Ochoco Lumber Site is approved, subject to the findings stated in the staff report, those conditions contained within, and the following conditions of approval set forth below.

1. The applicant/owner shall comply with the Fire Department requirements for fire flows, sprinkler systems, fire hydrants, address signs, fire lanes and Knox Box locks and all other UFC requirements. The applicant/owner shall coordinate with the Crook County Rural Fire and Rescue in this endeavor.

2. The applicant/owner shall construct all public improvements in accordance with the City's standards and specification and ODOT specifications as applicable. These improvements are based on the submitted site plans, completed water and sewer analysis and construction drawing review. They include public water, sewer, and streets including the off street trail along Combs Flat Rd. and other associated utilities placed in the city or state right-of-way. Timing of internal street improvements will be based on how they correspond with development of individual parcels. Minor modifications to public improvements, as determined by the City Engineer, may be authorized by the City Engineer without going through a formal modification of this approval.
3. The applicant/owner shall complete all recommended traffic improvements for development of the master plan or as determined by subsequent permitting/design review processes as required by ODOT or the City.
4. This approval is contingent upon platting and recording of the approved land partition (LP-2013-101) and the construction or bonding of all public improvements associated with that approval.
5. The applicant/owner shall place all utilities underground with the exception of existing power poles along Combs Flat Road and the existing power poles on the northeast corner of the site that run along the property line and cross Ochoco Creek.
6. All future land use applications shall be reviewed in accordance with the standards set forth in the approved Regulating Master Plan and the conditions of approval listed for this staff report. If there is a conflict between the Regulating Master Plan and the conditions of approval, the conditions of approval shall take precedence.
7. The applicant/owner shall obtain approval of all required access permits prior to development of any parcel for which the access or accesses are necessary.
8. The applicant/owner is required to comply with all relevant portions of the City of Prineville Code of Ordinances and secure any permits required by the Crook County Building Department or State and Federal agencies, including all required access permits for Combs Flat Rd. and 3rd St. when such permits are required by the applicable department or agency.
9. As a condition of any subdivision of the site, the applicant or owner shall install or bond for a soft-surface trail of approximately 10 feet in width along the length of Ochoco Creek through the Ochoco Mill site. The exact location of the easement shall be at the discretion of the owner. Upon recordation of the subdivision plat, the applicant/owner shall grant a non-exclusive easement for public access over the trail, subject to the rules and regulations established by a future owners' association for the site. The easement shall provide that the owners' association shall maintain the trail, but if at any time the owners' association shall elect to cease maintenance of the trail, it shall dedicate the trail to the City or the parks district, subject to approval by the City or parks district.

10. The minimum required setback for any building adjacent to a residentially zoned property shall be equal to twice the height of the building at its highest point, to a maximum required setback of 50 feet. The setback area may be used for other purposes, including fencing, berms, landscaping, parking, open space and recreation improvements and uses. The additional vegetative buffer detail as presented by the applicant shall be included in the final Regulating Master Plan.
11. For any multi-family development, a significant portion of the 11.4% dedicated open space for the parcel shall be configured as usable open space/recreation area.
12. The minimum sidewalk width on any block containing a commercial use shall be 6 ft. for the entire length of the block. This sidewalk width shall be increased to 12 ft. when the sidewalk is immediately adjacent to any commercial/industrial building with an entrance onto the sidewalk. The 12ft. minimum sidewalk requirement may be adjusted to a smaller width by the City during site plan review.
13. The applicant/owner shall coordinate with CET to select a location and design for one or more bus stops within the development.
14. If any portion of the Regulating Master Plan is amended as a result of the conditions of approval, the applicant/owner shall submit three final copies to the City with all changes incorporated within 30 days of final approval.
15. With development of parcels 1 and/or 2 or a subdivision affecting these parcels, the applicant/owner shall construct or bond for all required improvements to 3rd Street in accordance with City Standards and Specifications.

Marty Bailey _____
Planning Commission Chair

Date: _____