



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
FINAL DECISION

CONSENT DATE: December 17th, 2013

HEARING DATE: December 3rd, 2013

PROJECT NUMBER: MOD-2013-101

APPLICANT/OWNER: Brooks Resource Corp.
Dba Ironhorse Development LLC.
409 NW Franklin Ave.
Bend OR 97701

SURVEYOR/ENGINEER: WHPacific
Attn: Steve Hannas
123 SW Columbia Street
Bend, Oregon 97702

LAND USE CONSULTANT: Walker Macy
111 SW Oak, Suite 200
Portland OR 97204

STAFF: Joshua Smith
Senior Planner

APPLICABLE CRITERIA: City of Prineville Code of Ordinances, Title XV, section 153.259.030 (Modification of approval), 153.158 (PUD).

FINDINGS OF FACT:

1. **LOCATION:** The IronHorse master planned development, consisting of 1020 acres located within the northeast corner of the City of Prineville's UGB (all but 120 acres are within city limits). Further identified as tax lots 1600, 1602, and 1603, Assessor's map 14-16-00. The subject property is further identified as Parcels 1, 2 and 3 of Partition Plat 2010-06.
2. **PROPOSAL:** The applicant is requesting a modification to the IronHorse Outline Development Plan (ODP) to accommodate a revised location for the previously contemplated elementary school, a revised alignment for Combs Flat Road, a new local street connection to Laughlin Road, a reconfiguration of planned commercial and multi-family uses, expanded park and open space, revised street cross sections, and less specific lot sizes and housing types.
3. **ZONING:** The subject property is zoned Residential (R-2) for the 900 acres within the City Limits, and EFU for the 120 acres outside the city limits but within the Urban Growth Boundary.

4. **RELATED APPLICATIONS:** SUB-05-707, LP-2013-102

5. **SITE DESCRIPTION:** The IronHorse ODP encompasses 900 acres within the City Limits of Prineville, and an additional 120 acres outside of city limits that are conceptually planned but not a part of the approved ODP. The property is located on the southwest facing slope and base of Barnes Butte.



6. **LOT OF RECORD:** The site is confirmed as a legal lot of record through Partition Plat 2010-06.

Criteria: 153.259.030 Modification of approval

(A) An applicant may apply to modify an approval at any time after a period of six months has elapsed from the time a land use action approval has become final.

(B) Unless otherwise specified in a particular zoning ordinance provision, the grounds for filing a modification shall be that a change of circumstances since the issuance of the approval makes it desirable to make changes to the proposal, as approved. A modification shall not be filed as a substitute for an appeal or to apply for a substantially new proposal or one that would have significant additional impacts on surrounding properties.

(C) An application to modify an approval shall be directed to one or more discrete aspects of the approval, the modification of which would not amount to approval of a substantially new proposal or one that would have significant additional impacts on surrounding properties. Any proposed modification, as defined in this section, shall be reviewed only under the criteria applicable to that particular aspect of the proposal. Proposals that would modify an approval in a scope greater than allowable as a modification shall be treated as an application for a new proposal.

(D) An application for a modification shall be handled as a land use action.

Finding 1: The applicant's submitted burden of proof and site maps that outline the proposed changes to the ODP.

A) It has been almost 8 years since the original approval. This criterion is met.

B) The proposed modification has been prompted by several changes in circumstance. A new school location has been proposed, the economy has drastically changed and City land use codes have been updated.

- The proposed modification is primarily due to the passage of the Crook County School bond which will provide a new elementary school within the IronHorse development. Ironhorse has always contemplated a school but the current location is not readily accessible.
- Due to the relocation of the school over an area designated for multiple uses and a major shift in the economy; IronHorse would rather not directly displace these uses to other areas. Instead they are proposing a development plan with less specificity of uses that will then be reviewed through the land use process with each new subdivision proposal.
- Since the approval of the IronHorse ODP, the City has adopted a Natural Features Overlay District (NFOD). The NFOD is meant to comply with statewide planning goals 5, 6 & 7 that aim to preserve scenic, historic and natural resources as well as resource quality and areas subject to natural disasters or hazards. Through this modification Ironhorse is proposing to comply with this ordinance including areas already approved for a subdivision, primarily affecting their development plans on Barnes Butte.

Staff does not believe the proposed modifications will have a significant additional impact on surrounding properties. Nor do they constitute a substantially new proposal to warrant a new application. Future subdivisions or developments other than a single family home or duplex will require land use approval and public notice. This allows neighboring properties an additional public forum to express issues and concerns.

C) As stated above staff does not believe these modifications constitute a substantially new proposal to warrant a new application. The core requirements for a Planned Unit Development (PUD) will not change. The modifications being proposed will bring the ODP into greater compliance with the City's land use code or are subjective in nature. The following is a summary of the proposed changes outlined in the applicant's burden of proof and shown on the updated maps.

1. Change in size and location of the school site and a reconfiguration of the street network to accommodate the school. This includes a new connection to Laughlin Rd. with IronHorse Dr. and the replacement of street cross section C3 that caused intersection issues with the first phase of development.

2. The height of the school will be 45ft. as an exception allowed in the R2 zone.
3. Table 1 below and the applicant's burden of proof, outlines the change in acreage of each type of land use. As shown, overall density will remain the same while open space will increase. Commercial, civic uses, multifamily and the school site will decrease. Civic uses and residential densities will be determined through future subdivision review.

Table 1
Land Use Comparison

Use Category	Original 2006 ODP 1020 total acres	2013 ODP Update 1020 total acres
Approved Residential Units	Up to 2,771	Up to 2,771
Parks/Open Space	311 ac.	317.3 ac.
Commercial	4.8 ac.	3.7 ac.
Civic	2.8 ac.	None designated (tbd with future dev)
Multi-family/Townhome residential	33.7 ac.	8.6 ac. (additional tbd with future development)
School	20 ac.	15 ac.

4. Civic uses may also be applied for separately utilizing the typical process for land use approval in the R2 zone.
 5. Comply with condition 32 of the original Planning Commission approval to increase open space along the Hudspeth drainage near Northridge. This condition was modified on appeal to City Council.
 6. The entire Outline Development Plan and areas of IronHorse that are approved but not platted will comply with the City's adopted Natural Features Overlay District (NFOD). This would include restrictions on Barnes Butte, as well as identified wetlands and drainage areas.
- D)** This application is following the standard public process for conditional uses. Notice for this application was sent on November 12th to all neighboring properties within 100ft. of the IronHorse property, as well as all lots already platted within the IronHorse development. A newspaper notice was published on November 15th.

HEARING SUMMARY: Staff presented a detailed presentation of the modifications being proposed as well as changes to the recommended conditions in the staff report regarding open space and the proposed senior housing project. The Planning Commission asked several questions about the proposal and the modified conditions of approval.

The applicant provided an overview of the proposed changes and fielded many questions from the Commission. The questions were primarily directed at traffic concerns and the proposed 4.5 acres of new multifamily designated for the senior housing project.

Commission deliberations primarily focused on the senior housing project with some discussion of street cross sections, civic uses and a few conditions that had been deleted from the original approval. The Commission understood the concerns with the new multifamily designation on the development map and decided to limit that property to the senior housing project presented by Pacific Crest Affordable Housing or revert back to a residential designation.

The following changes were made to the conditions of approval:

- In Condition 2 & 10 the open space requirement needed to be changed to 295.8 to reflect the actual open space required by the previous approval.
- In Condition 2 the 2.8 acres for civic uses was re-established but on an as needed basis and would expire if no uses are requested prior to full build out.
- Condition 33 from the previous approval was re-established to allow for the height limit exceptions of 45ft. for apartments and 40ft. for townhomes approved with the previous decision.
- A condition was added to remove the 4.5 acres of new multifamily from the map and designate it as residential. This area would then be reserved to specifically allow the Pacific Crest senior housing project for up to 3 years. If no progress has occurred by evidence of an active building permit within 3 years from the date of approval the reservation is void.

CONDITIONS OF APPROVAL:

Based on the Findings stated above, those conditions contained within, and the following conditions of approval, Application MOD-2013-101, a modification to SUB-05-707 for the IronHorse Outline Development Plan is recommended for approval. This approval is subject to the conditions outlined in the findings section of this report, and the conditions of approval set forth below:

1. Approval is 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 the City in approving this PUD Outline Development Plan approval.
2. Approval is limited to the PUD Outline Development Plan identified as IronHorse, consisting of a maximum 2,771 residential development units for the approximately 900-acre development subject to review here. Approval includes a mixed-use commercial district of approximately 4 to 5 acres (depending on which alternative plan can be implemented, i.e., either the canal in pipe or open canal plan); approximately 295.8 acres of parks and open space; a 15 acre school site; and 2.8 acres of civic uses to be determined on an as needed basis until full build out of the development. Approval of this PUD Outline Development Plan does not constitute Tentative Plat Map approval. This approval is applicable to both the proposed piped or non-piped canal plan, provided that all conditions in this report are met.

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, Water and Transportation systems to serve each tentative plat; such evidence shall be submitted for review prior to approval of each tentative plat. All lots shall be connected to both city water and sewer at time of development. Specific setbacks that might be deemed necessary for natural resource and/or natural hazard areas (other than those set forth directly in this Final Decision) will be reviewed at that point in time to assure compliance with the Comprehensive Plan and the City of Prineville Code of Ordinances. In order to be in compliance with Crook County Comprehensive Plan goals and policies, the specific design of each phase of development shall take into account the natural features outlined in the Comprehensive Plan. All applicable goals and policies shall be adhered to including natural hazard policies. Construction of homes and roads in natural hazard prone areas shall be such as to minimize the effect of the potential natural hazard.
4. Potential wetland areas within the subject property shall be further identified/delineated during each Tentative Plan Map review process for each phase of development. No development shall occur within these delineated boundaries without proper authority from the Oregon Division of State Land and/or the Army Corps of Engineers or the City of Prineville. Any potential wetland/drainage way setbacks shall be addressed at that point in time, as individual parcel lines have not been determined at this time.
5. The Applicant shall coordinate with Ochoco Irrigation District (OID) and Bureau of Reclamation (BOR) to resolve safety, access and maintenance concerns to OID and Bureau of Reclamation's satisfaction prior to signature of each final plat that requires OID signature. Such coordination will be evidenced by a written agreement between the Applicant, OID and the BOR resolving piping, and open-canal safety, access and maintenance concerns between OID/BOR and the proposed development. The Applicant shall comply with all easement requirements necessary for the access, operation and maintenance of the canal as required by OID/BOR.
6. Grading of the site shall be in conformance with applicable City Regulations.
7. The Applicant shall assure compliance with the City's Natural Features Overlay District (NFOD) Chapter 155. This includes protections for Barnes Butte, wetlands, drainages, steep slopes and wildlife. Approval of development in the (2004) expanded UGB area 2A (120 acres) is subject to future review for compliance with all applicable Comprehensive Plan (and supporting Master Plans) Goals and Policies.

8. Comply with all the Fire Department 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.
9. The proposed street standards shall adhere to the minimum dimensions set forth in the street schematics as submitted by the Applicant. If off-street parking is not adequately provided on each individual street, the applicant shall assure that additional off-street guest parking is available as deemed necessary in future Tentative Plat Map reviews by the City of Prineville Planning Department. The specific naming of the newly proposed streets will be reviewed during each future Tentative Plat Map review by the City of Prineville.
10. The Applicant shall provide a minimum 295.8 acres, or 33 percent, of open space within the 900-acre PUD, with the remaining 21.5 acres to be approved with application to develop the 120 acres currently outside of City limits known as area 2a. Sheet 4, the submitted Open Space Plan demonstrates how this open space is distributed. The Applicant shall coordinate maintenance of designated public open space areas with the Crook County Parks and Recreation Department. The Applicant shall assure all designated private open space areas are maintained by an appointed homeowners' association or designee thereof. The Applicant shall submit open space management plans that are applicable to each phase of development during each Tentative Plan Map review process for review. The City reserves the right to perform maintenance on privately owned open space parcels and assess the homeowners' association should the area not be maintained per approved open space management plans.
11. 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.
12. In the event that a police/fire substation becomes a specifically proposed civic use, the Applicant shall coordinate the location of the facility proposed civic center (to include a police/fire substation) with the City of Prineville Police Chief and the Crook County Fire and Rescue Department Chief to assure the most appropriate location to best serve the community.
13. The applicant is allowed a twenty year build out approval from this modification approval, 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. Tentative plans/plats, along with their more detailed planning and engineering, that are consistent with the approved PUD and Outline Development Plan, will be deemed approved on the basis of that same consistency. The determination of "substantial continual progress" shall include consideration of project elements such as, but not limited to, the acquisition of tentative plan approvals, final plat approvals, site plan 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, etcetera.

14. 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 PCO Section 153.200.
15. In order 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.
16. The Applicant shall comply with all relevant portions of the City of Prineville Code of Ordinance and obtain all necessary local, state, and federal permits required to comply with all applicable laws and regulations.
17. The Applicant shall apply for Tentative Plat Map Review and/or Site Plan Review prior to any development. Housing types as well as densities and dimensional standards shall be reviewed and approved with each tentative plat. Designated uses within the ODP such as the school site, commercial areas and multifamily designations shall be reviewed administratively. Civic uses identified outside of a tentative plat approval shall follow the typical process of the R2 zone.
18. All new utility services shall be placed underground. Overhead electrical lines or electrical drops are prohibited.
19. The proposed street and access standards, as modified herein, are hereby approved, provided the street standards maintain the planned functionality for their intended use. Planning, Public Works and Crook County Fire and Rescue Department reserve the right to further review the street standards of each tentative plan map if they have clear, objective and measurable evidence that the functionality of the streets are not adequately accommodating the planned flow of traffic and parking. Such right to review may only be enabled where proposed alignments: encounter topography and grades in excess of adopted standards; encounter rock outcrops or other such natural features that may impair reasonable vision clearance standards; do not meet the requirements of the State Transportation Planning Rule; compromise the functionality of the streets to the extent that it can be demonstrated they are not adequately accommodating the planned flow of traffic and parking; or where street standards and/or alignments duplicate or otherwise impair alternative pedestrian routes incorporated to the approved Outline Development Plan.

20. Applicant shall assure that all initial open space development will be suitably improved for its intended use. Prior to recordation of the final plat for each phase, applicant shall provide evidence to the City that that initial open space in that phase will be suitably improved.
21. The original findings and approval of the Outline Development Plan (SUB-05-707) and the appealed decision approved by City Council on January 24th, 2006 shall still apply. However any changes made to the conditions of approval by this modification shall take precedent.
22. The exception to the 35-foot height limitation, as proposed by the Applicant for apartments and townhomes, shall be limited to the locations proposed by the applicant in the Outline Development Plan.
23. The applicant shall provide a new land use map that designates the newly proposed 4.5 acres of multifamily as residential and highlights this area with a reference to this condition. This area at the discretion of the IronHorse development may be reserved for a senior housing development by Pacific Crest Affordable Housing for up to 3 years. If no progress has occurred by evidence of an active building permit within 3 years from the date of approval the reservation is void.

Marty Bailey _____ Date: _____
Planning Commission Chair