



# City of Prineville

## DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT

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**HEARING DATE:** September 19<sup>th</sup>, 2017

**PROJECT NUMBER:** Cu-2017-106

**APPLICANT/OWNER:** Brian Iverson/Scott Ramsey  
Foundry Four Distillery  
129 NW 4<sup>th</sup> St.  
Prineville OR 97754

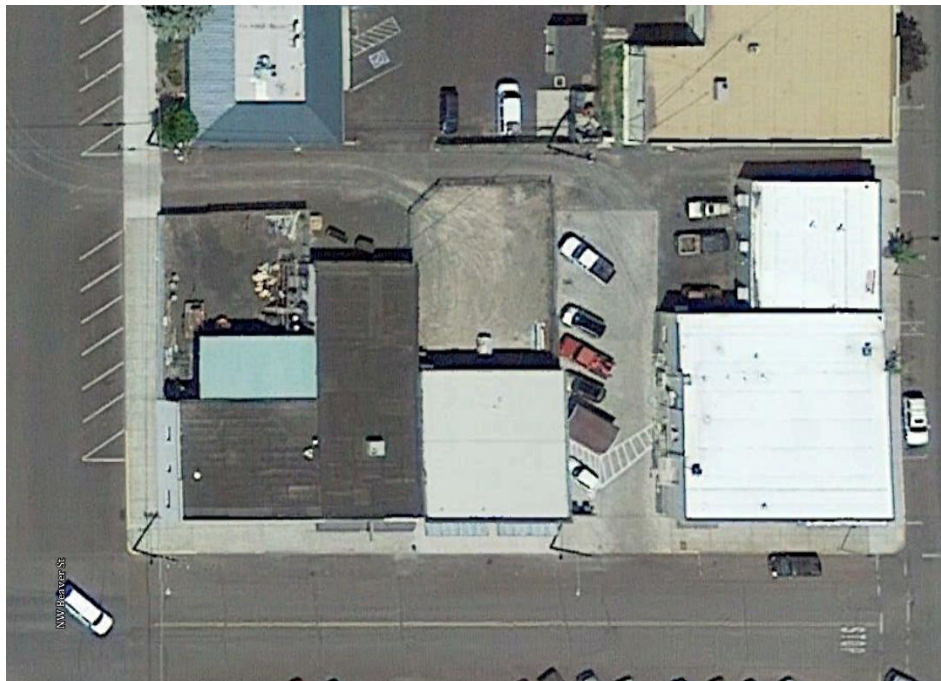
**PROJECT REVIEWER:** Joshua Smith  
Senior Planner

**APPLICABLE CRITERIA:**

(1) City of Prineville Code of Ordinances, Title XV Land Usage – 153.009, 153.014, 153.020, 153.037, 153.050, 153.080 – 153.096, 153.135 – 153.138 & 153.190 – 153.200

**FINDINGS OF FACT:**

1. **PROPOSAL:** A change of use converting the west portion of an old auto shop/retail building to a Whisky Tasting room for distilled products. (Foundry Four Distillery)
2. **LOCATION:** The proposed change of use is located at 129 NW 4<sup>th</sup> St. Map and Tax lot 15-16-06AA 11400.
3. **SITE DESCRIPTION:** The property has an old existing building that was recently rehabilitated and was part of the City's Downtown grant program. The building has seen many uses over the years from auto repair to retail. It has been vacant or underutilized for at least 20 years. The east side of the building is now used to store equipment that can be rented for events. The building is constructed to the side lot lines and has a new lowered gravel area off of the alley. Below is a 2017 aerial view.



4. **ZONING:** The subject property is zoned Central Commercial (C-1) and designated Core Commercial on the Comprehensive Plan Map.
5. **LOT OF RECORD:** The property has been determined to be a legal lot of record. As a portion of lot 5, block 18 of the Monroe Hodges Subdivision.
6. **COMMENTS:** Comments were received from ODA about licensing, that have been resolved. No comments were received from neighboring properties in the noticed area.
7. **FINDINGS SUMMARY:** An eatery not serving alcohol is an outright use in the C1 zone; however, an establishment serving alcohol is a type II conditional use to be approved by the Planning Commission. This proposal will re-model the interior of the existing building and provide an outdoor seating area as shown in the submitted site plan. The City has analyzed the impacts of the proposed uses and has determined that no additional System Development Charges (SDCs) will be assessed. The proposed use is exempt from design review improvements because the proposed use is considered of equal or lesser impact than the previous uses. As a conditional use; however, the Planning Commission may require additional improvements.

**Criteria: 153.037 COMMERCIAL & INDUSTRIAL USE TABLE**

*Type II Conditional Use C1 zone: Bar, Lounge, Tavern, nightclub, brew pub/with restaurant*

**153.050 CENTRAL COMMERCIAL ZONE C-1 ZONE.**

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

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

**Finding 1:** The applicant is proposing a change of use in an existing building to a Whisky tasting room for distilled products. An eatery not serving alcohol is an outright use in the C1 zone; however, an establishment serving alcohol is a type II conditional use to be approved by the Planning Commission. The primary purpose of this application is to ensure that the business is located in an appropriate location for serving alcohol and to provide an opportunity for neighboring property owners to comment.

**Criteria: (J) Signs.** *In a C-1 Zone, signs are permitted in accordance with the provisions set forth in Chapter 152 as amended.*

**Finding 2:** A sign for the business is approved as part of this decision so long as it conforms to the City's sign code. The property is approximately 50 feet wide, which would allow up to 100 sq. ft. of wall signage. Design and location of the signs should be submitted to the City Planning Department for review and made part of this application.

**Criteria: (K)** *Use limitations. In a C-1 Zone, permitted uses shall be subject to the following limitations and standards.*

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

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

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

(4) *Nuisance. No structure or land shall be occupied or used for any purpose which creates or causes to be created any public nuisance, including but not limited to excessive odor, dust, noise, vibration, flashing light or any hazard to the general health, safety and welfare of the area.*

### **Finding 3:**

1) The applicant's business is conducted wholly within an enclosed building, though there is a proposed outdoor seating area. Outdoor merchandising is not proposed. The proposal is to re-model the interior of the existing building and provide an outdoor seating area as shown in the submitted site plan. Other than the seating area the rear of the lot will be used as a loading area and drainage control. Additional parking off the alley is not proposed.

2) The existing building is constructed to the sidewalk along 4<sup>th</sup> St.

3) This property does not abut a residential zone.

4) The proposed use is not expected to create or cause a nuisance; however, if a nuisance is declared it shall be corrected in accordance with City code.

### **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 4:**

- A) The proposal is compatible with the Comprehensive Plan by providing flexible alternatives to economic growth and the rehabilitation of an old structure.
- B) The proposal is in compliance with the applicable zone as a conditional use. The property is not within the 100 year floodplain or the natural features overlay district.
- C) The applicant has an approved liquor license from the City conditioned upon approval of this application. The Applicant will also require an occupancy permit from the Crook County Building Department.
- D) There are no specific standards listed in section 153.083. Use limitations in the C1 zone were discussed in Finding 3.
- E) The City has analyzed the impacts of the proposed uses and has determined that no additional System Development Charges (SDCs) will be assessed. The applicant is not proposing to increase the existing water meter size, therefore; water and sewer SDCs will not be charged. The proposed use is a significant change in use from a vacant building; however, the building has had higher traffic uses in the past, including auto repair, Butcher shop and retail. Based on similar trip rates between past uses and the proposed use the City will not charge additional traffic SDCs.
- F) All uses are required to comply with local, state or federal pollution standards. If it is identified that such standards are being exceeded, measures shall be taken to come back into compliance.

**Criteria: 153.020 SITE PLAN AND DESIGN REVIEW PROVISIONS. Advertised**

**(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.*

**(D) Improvements Required.** *Uses requiring a design review application shall be subject to public improvements and or site improvements. Improvement requirements and standards are found in section 153.194 and the City's Standards and Specifications. Public improvements and site improvements include but are not limited to the following:*

*(1) Streets. Right of Way dedication, street extensions, sidewalks, access management. Double frontage lots may require improvements on both frontages.*

- (2) **Utilities.** *Connection to municipal water and sewer and other utilities as necessary.*
- (3) **Landscaping.** *Per standards set forth in section 153.087.*
- (4) **Paved parking including access and maneuvering areas as set forth in section 153.085 and 153.086.**
- (5) **Storm Water Drainage.** *Per the City's Standards and Specifications.*

**Finding 5:** The proposed use is exempt from design review because proposed use is considered of equal or lesser impact than the previous uses. As a conditional use; however, the Planning Commission may require additional improvements.

1,2) The street right-of-way exceeds standards, utilities are already available to the property and the structure is already connected to city sewer and water. The City has reviewed the proposal and found the existing site improvements such as sidewalks and drainage to be adequate.

3) This property is not within the downtown enhancement zone and there are no specific landscaping requirements in the C1 zone. Landscaping is always welcome but in this case no landscaping will be required with this change of use unless required by the Planning Commission through the hearings process. The rear of the property is surrounded by commercial buildings, a parking area and an alley so there is little reason to provide landscape screening to neighboring properties.

4) There is potential for parking spaces off the alley; however, the alley is narrow with blind intersections and the property is lower than the alley, creating access issues. Any design would potentially exacerbate an existing drainage issue and either elimination of the outdoor seating area or blocking access and loading areas to the rear of the building. There is a decent amount of parking in the area, specifically on Beaver Street. There is one on street ADA space on the other side of 4<sup>th</sup> St. and people could park in the County's lot behind this building where an additional ADA space is provided.

5) The applicant has graded the rear of the property and constructed a drainage swale at the rear of the building along the east side of the property. The property has had significant drainage problems in the past from the roof drainage and with the property being lower than the alley and adjacent parking area.

**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 6:** As a conditional use that Planning Commission may consider additional conditions of approval if deemed necessary to protect the general welfare of the City or surrounding area. Staff does not recommend any additional conditions.

**RECOMMENDED CONDITIONS:**

Based on the foregoing Findings, those conditions contained within and the following conditions of approval; application Cu-2017-106 for a change of use in the downtown is recommended for approval.

1. The applicant shall comply with all necessary Fire Department requirements. The applicant shall coordinate with the Crook County Rural Fire and Rescue. Should Crook County Fire and Rescue determine that additional conditions are necessary the applicant shall meet the necessary conditions.
2. The applicant shall pay all applicable System Development Charges (SDCs) prior to occupancy. The City has determined that the use as proposed will not be assessed additional SDCs, however; if at any time the water meter size is increased, additional water and sewer SDCs shall be required.
3. The signs approved as part of this application shall maintain compliance with the City's sign code and not impede pedestrian walkways. As proposed, the maximum wall signage for all front facades shall not exceed 100 sq. ft.
4. The applicant shall secure any and all required city, county, state and federal permits and comply with the required conditions of those permits prior to occupancy.
5. The applicant shall comply with all applicable requirements of the C-1 zone and relevant portions of the City of Prineville Code of Ordinances and Crook County Building Department.

Written by:

  
Joshua Smith,  
Senior Planner



Grid Squares = 1ft

Security Fence with Sound Barrier

Security Gate

Rain Swale

Gravel

Paver Patio

HVAC

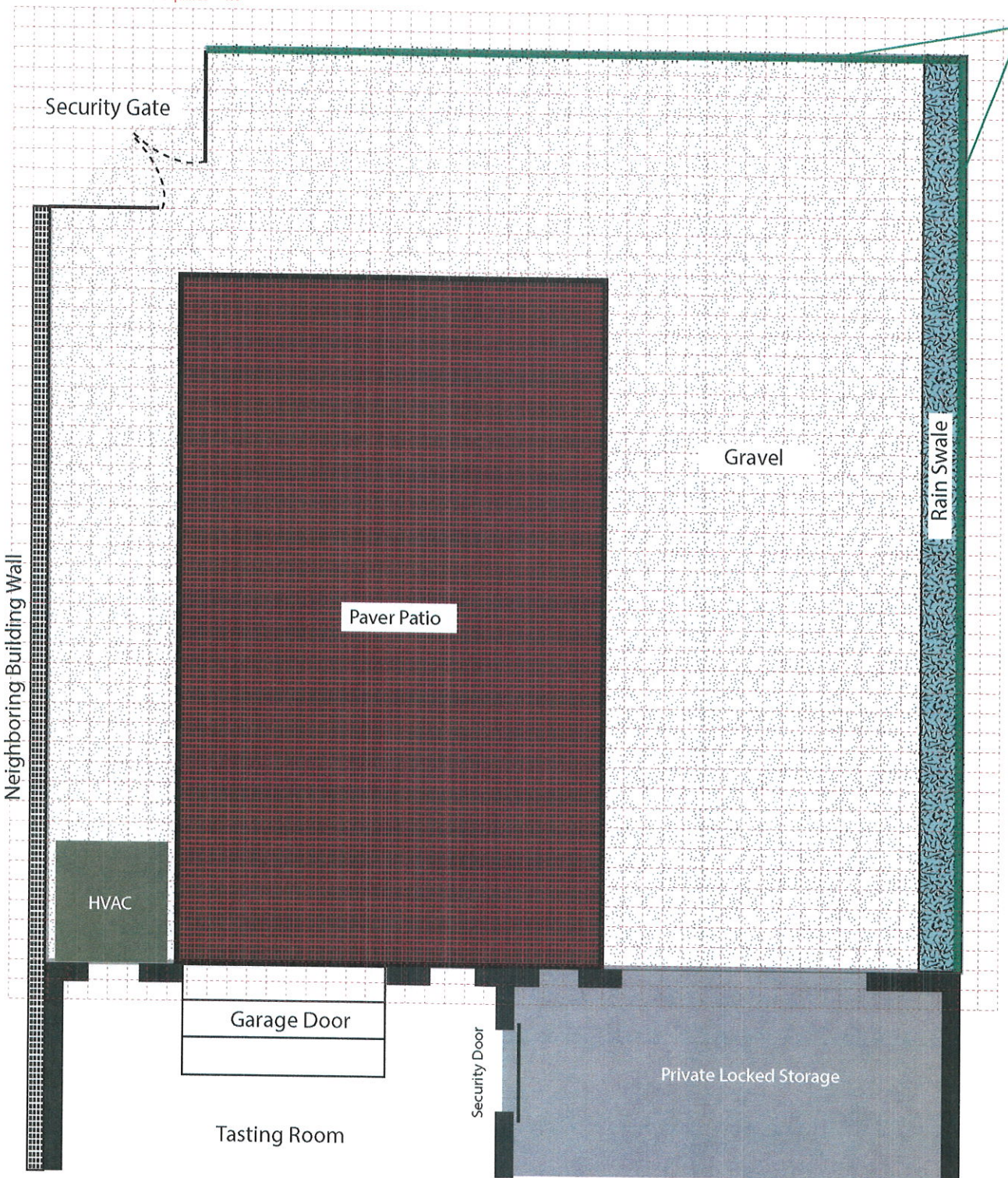
Garage Door

Security Door

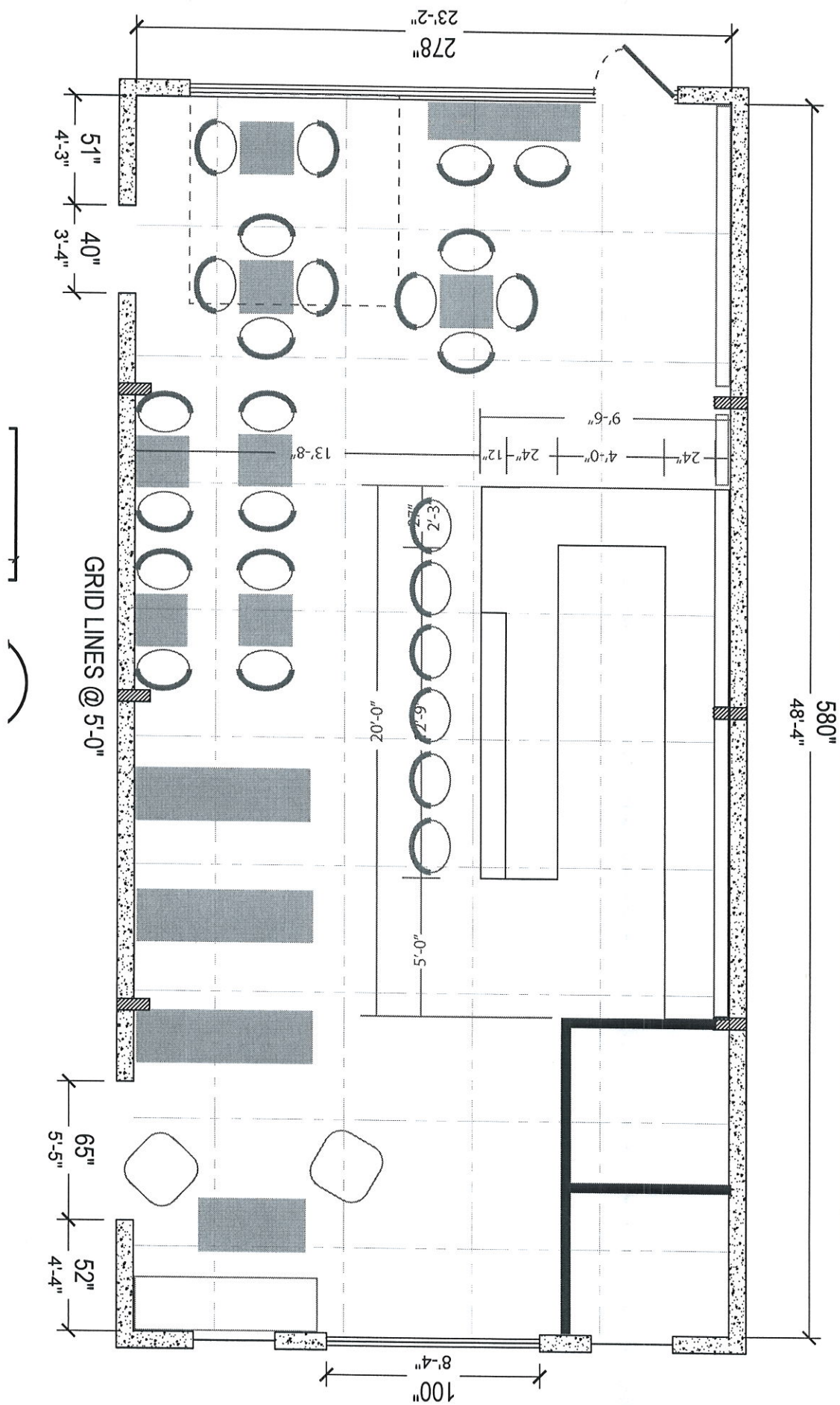
Private Locked Storage

Tasting Room

Neighboring Building Wall











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