



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
FINAL DECISION

HEARING DATE: September 19th, 2017

PROJECT NUMBER: MOD-2017-100

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

SURVEYOR/ENGINEER: DevTech Engineering Attn: Chris Chambers, PE
Bend, Oregon 97702

LAND USE CONSULTANT: Walker Macy Attn: Ken Pirie
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 Outline development Plan, 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 the IronHorse subdivision and tax lots 1600 – 1606 of Assessor's map 14-16-00.
2. **PROPOSAL:** The applicant is requesting a modification to the IronHorse Outline Development Plan to broaden the range of potential future uses of the Hudspeth Ranch House, eliminate the IronHorse Drive connection to Laughlin as shown on the 2013 ODP map and remove language pertaining to expiration of the approval for a senior housing project by Pacific Crest Affordable Housing project.
3. **ZONING:** The subject property is zoned Residential (R-2) for the 900 acres within the City Limits, and Exclusive Farm Use 2 (EFU2) for the 120 acres outside the city limits but within the Urban Growth Boundary.
4. **RELATED DOCUMENTS:** SUB-05-707 (Original ODP), SUB-05-06-710 (Subdivision), LP-2010-101 (PP. 2010-06 for Hudspeth house), LP-2013-102 (PP. 2014-08 for school), MOD-2013-101 (ODP modification), LP-2015-100 (PP. 2015-08 for Pacific Crest), BA-2016-100 (for Combs Flat landscaping), BA-2016-103 (for City property), LP-2017-101 (separate east side).

-
- The map shows the City of Union, Missouri, with a large area outlined in red labeled "120 Acres (not a part)". This area is located in the northern part of the city, adjacent to the Missouri River. The map includes various streets and land parcels, with the city limits indicated by a dashed line. The proposed site is situated near the intersection of several major roads, including Union Blvd and the Missouri River. The surrounding area includes residential developments, commercial areas, and natural features like the river and wetlands.

- ## 7. HEARING SUMMARY:

Applicant: The applicant explained the reason for the changes in greater depth, specifically focusing on the issues with the Hudspeth House and their intent to find a private owner. The applicant also stated that their intent with phase two of the senior housing project would be single family homes if the project does not go forward.

- 2 -

Modification of IronHorse ODP

another company if Pacific Crest doesn't develop. Staff acknowledged that the condition could be changed to allow that.

Decision: Bob Orlando made a motion to approve the application amending condition #2 as stated by staff to allow someone other than Pacific Crest to develop the designated senior housing. Priscilla Smith seconded the motion and the motion passed with 5 in favor and none opposed.

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 submitted a burden of proof and site maps that outline the proposed changes to the ODP.

A) It has been 12 years since the original approval and 4 years since the last modification in 2013. This criterion is met.

B, C) The proposed modification has been prompted by several changes in circumstance. The Hudspeth House as an amenity of the HOA is financially unviable, the proposed IronHorse Drive is no longer necessary and the Pacific Crest Affordable housing project has been initiated. The modification is directed at these three specific areas.

- Hudspeth House: The applicant's burden of proof explains the desire to broaden the potential uses of the Hudspeth House property to meet the majority of the City's existing R2 zone. The applicant states that the "intended use of the Hudspeth House as an HOA amenity is no longer viable due to the significant financial burden of converting and maintaining the very large 60-year old home to HOA community center use. The applicant would continue to use the site as private open space rather than public and provide deed restrictions to prevent land division and limit uses to the approved list.
- IronHorse Drive: The original intent of IronHorse drive was as an alternative route to access Barnes Butte Elementary School until Combs Flat road could be extended north into the IronHorse site. Subsequent to the ODP modification approval in 2013, Combs Flat road was extended north rendering Ironhorse Drive unnecessary. It should be noted that the City did not want the IronHorse

Drive connection but was willing to accept it to get the school built.

- Pacific Crest Affordable Housing: A condition (23) was placed on the previous ODP modification in 2013 (MOD-2013-101) that reserved a 4.5 acre area for senior affordable housing to be developed by Pacific Crest Affordable Housing within 3 years. Since the project has been initiated on half of the property the 3 year time limit is no longer necessary. The property shall remain as designated in the previous modification without the time limit with the right to revert to the standard residential designation. This designation is consistent with the rest of the ODP and allows varying housing types to be determined at tentative plan approval for a subdivision.

Staff does not believe the proposed modifications will have a significant 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.

- D)** This application is following the standard public process for conditional uses. Notice for this application was sent on August 15th 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 September 8th.

DECISION: Application **MOD-2017-100** for a modification to MOD-2013-101 and SUB-05-707 for the IronHorse Outline Development Plan is hereby APPROVED. This approval is subject to the conditions outlined in the findings section of this report, and the conditions of approval set forth below:

CONDITIONS OF APPROVAL:

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. This modification of the Ironhorse ODP is limited to three items outlined in the applicant's burden of proof and this staff report. Those items include the following:

Hudspeth House – The open space designation will be converted from “open space general” to “open space private”. The uses of the property will be expanded to the list provided in the Applicant's burden of proof (Exhibit A) and the property will be subject to deed restrictions that prohibit land division.

Ironhorse Drive – This Street shown on the 2013 ODP update will be removed and replaced with some developable land and open space designations as depicted in the 2017 update maps.

Pacific Crest Affordable Housing – The 3 year time limit shall be removed from condition 23 of the 2013 ODP update. The property shall remain designated for a senior housing developed by Pacific Crest Affordable Housing or other similar senior housing project approved by the Planning Commission. The area may also revert to the standard residential designation, as is the majority of the Ironhorse development.

3. The findings and conditions of approval; of the Outline Development Plan (SUB-05-707), the appealed decision approved by City Council on January 24th, 2006 and the 2013 update (MOD-2013-101) shall still apply. However any changes made to the conditions of approval by this modification shall take precedent.

THIS DECISION BECOMES FINAL ON October 15th, 2017, TWELVE (12) DAYS FOLLOWING THE SIGNING OF THIS DECISION UNLESS APPEALED TO CITY COUNCIL BY A PARTY OF INTEREST.

Marty Bailey: _____ Date: _____
Planning Commission Chair

Exhibit A
153.036 RESIDENTIAL USE TABLE (R-2 ZONE).

Use Classifications	R-1	R-2	R-3	R-4	R-5	Comments:
EXISTING USES						
Expansion of existing public use	O	O	O	O	O	
Replacement of an existing dwelling	O	O	O	O	O	
Expansion of an existing conditional use	T1	T1	T1	T1	T1	
RESIDENTIAL/ACCESSORY USES						
Child care home	O	O	O	O	O	
Single-family dwelling, excluding manufactured dwellings	O	O	O	O	O	
Accessory structure	O	O	O	O	O	See definition
Guest house	T1	T1	T1	T1	O	
Accessory dwelling	T1	T1	T1	T1	O	153.080
Home occupation - Only employees of the immediate resident family, limited retail sales	T1	T1	T1	T1	T1	153.083(E)
PUBLIC/SEMI-PUBLIC/NONPROFIT USES						
Houses of worship, including buildings and accessory uses essential to the operation thereof	T2	T2	T2	T2		153.083(O)
Public or private school, including buildings and other uses essential to the operation thereof		T2	T2	T2		
Publicly or privately owned kindergarten or preschool, provided the residential character of the area is maintained	T2	T1		T1	T1	
Park, public or private for less intensive uses including picnic area, playground, and grass covered play areas, not including a recreation facility	T1	T1	T1	T1	T1	
Recreation facility (nonprofit or publicly owned)	T2	T2	T2	T2	T2	
Other government structure or land use not limited to a public park, playground, recreation building, fire station, library or museum	T2	T2	T2	T2	T2	

Use Classifications	R-1	R-2	R-3	R-4	R-5	Comments:
Community building or use owned and operated by a public or nonprofit agency or organization	T2	T2	T2	T2	T2	
Bikeways, footpaths and recreation trails	O	O	O	O	O	
COMMERCIAL USES						
Child care center	T2	T1		T1	T1	
Residential home/adult foster home (care for 5 or fewer individuals)	O	O	O	O	O	153.083(A)
Residential facility (6 - 15 individuals)	T2	T2	T1	T1	O	153.083(A)
Bed and breakfast facility in an existing residence		T1		T1	T1	153.083(C)
Nursing home, convalescent home, retirement home or elderly assisted living complex	T2	T2	T2	T1	T1	153.083(O)
Hospital and other medical service facilities	T2	T2	T2	T2	T2	
Golf course and other open land recreational use, but excluding intensive commercial amusement uses such as automobile or motorcycle race tracks or amusement parks		I	T2			
Professional commercial uses, such as offices for accountants, bookkeepers, attorneys, engineers, architects, doctors, dentists, real estate and insurance and medical or dental clinics		T2	T2	T2	T2	153.083(S)
Crop cultivation or farm and truck gardens, including plant nurseries and on-premises sales of farm products grown on site						