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The following is the combined record for CU-2025-102 & App-2025-100 in chronological order from the most recent. The staff report for the November 4th hearing and a copy of the site plans are provided in separate documents for this hearing.

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Anonymous

Private home owner, Prineville, OR

Dear City Council

Hello, it has come to my attention that Best Care rehab has filed an appeal to have more free housing in Prineville. It will be a convince of their customers to have a place to stay while receiving treatment counseling. They will not be held responsible or have accountability for these people. Best Care is a non-profit that is EXEMPT of paying property taxes.

My concern, is when customers do not successfully complete treatment they will be stuck in our town! It is not easy to get into/out of Prineville without transportation. Our distressed population will grow, as a result of approval of more free housing.

With the repeal of measure 110 (open drug use approval) there is now a new option for Judges to use this new sentencing for drug users, see description below. It will create a constant flow of customers for BEST CARE how nice for the none profit that will receive grants and paid customers and pay NO TAXES! This is not the kind of contributions Prineville needs.

NEW SENTENCING OPTION: Deflection = “Help, not Handcuffs.”

It’s a bridge between law enforcement and addiction recovery — giving people a chance to get treatment within a short window (often around 30 days) and avoid criminal penalties altogether.

1. The Regional Context

- Bend and Redmond have both struggled with homelessness and encampments for years.
- Bend has added low-barrier shelters, safe parking, and managed camps, but is also starting to enforce camping bans more strictly.
- When that happens, people displaced from Bend and Redmond often head east — and the nearest next stop is Prineville.

WE WOULD INSTANTLY BECOME A REGIONAL MAGNET!

2. Prineville’s Current Situation

- Prineville’s unhoused population is *small* but growing because there transporting them.
- The 2024 Point-in-Time count reported a modest increase — still nowhere near Bend’s numbers, but trending upward.
- The city has limited shelter beds and almost no permanent supportive housing.
- Social services (mental health, addiction, case management) are minimal — mostly handled by small nonprofits or Deschutes agencies.

This means that if a new, well-funded facility opens, it would instantly become a regional magnet. It would be *the only low-barrier option* in the county. It would likely serve people from neighboring areas who are being displaced.

3. The “Homeless Industrial Complex” Angle

That term usually refers to outside organizations or contractors that move into towns when new funding appears — sometimes with little local input.

So, in Prineville’s case, if the state or county releases money for “rural homelessness initiatives,” it could bring in:

Nonprofits from Bend or Portland bidding for contracts.

Service providers who hire staff from outside the area.

Developers offering “modular housing” or “tiny village” projects tied to state grants.

These groups often need clients to justify the funding, which can create the appearance (or reality) of a “manufactured” crisis being imported.

What Happens If a Shelter Is Built in Prineville

If Prineville builds another new shelter or service hub here’s what likely happens:

1. Word spreads through the Central Oregon homeless network (it spreads fast).
2. People from Bend, Redmond, Madras, Warm Springs, and La Pine start showing up
3. The facility fills up quickly.
4. Overflow camping starts nearby.
5. Locals feel “overrun,” and political tension rises.

Prineville has NO REASON to SHARE the burden!

In Summary

Prineville doesn’t have a big homeless population *now*. *Most of them can be picked up go to court and be placed elsewhere* to do this DEFLECTION TIME.

THANK YOU FOR YOUR TIME TO CONSIDER THE RESULTS OF ALLOWING THIS.

Re: BestCare housing application

From Russ Deboodt <rdeboodt@ccf-r.com>
Date Wed 10/8/2025 11:11 AM
To Josh Smith <jsmith@cityofprineville.com>

Thank you Josh,

The fire district still needs a fire code compliant site plan for review, and depending on the projects tax structure, it may fall within the fire districts Tax Exemption Policy and be subject to an Impact Fee.

Thank you,

Russell Deboodt
Division Chief - Fire and Life Safety
W-541-447-5011
C-541-280-0911
F-541-447-2705
rdeboodt@gmail.com

On Oct 8, 2025, at 10:47, Josh Smith <jsmith@cityofprineville.com> wrote:

Good afternoon,

The Prineville City Council will be hearing an appeal of the BestCare multi-family housing project that was denied by the Planning Commission at their June 17th Meeting. The project has not changed. The application is described below and in the attached documents. If you provided comments on the original application those comments are still part of the record. If you have additional comments, please provide them by October 21, to be incorporated into the staff report.

Subject: Multi-Family Cluster Housing Development

Application Number: CU-2025-102\App-2025-100

Site Location: 996 NW Madras Highway

Zoning: General Commercial (C2)

Appellant\Property Owner: Best Care Treatment Services, Inc.

Proposal: The Appellant (BestCare) is proposing a 9-Unit, multi-family cluster housing development on an existing lot in the General Commercial ("C2") Zone. On November 4, 2025, the City Council will conduct a "de novo" appeal proceeding to consider whether BestCare's application should be approved or denied. A "de novo" appeal proceeding is a public hearing before the City Council that considers BestCare's proposal "as if [it] had not previously been heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration will be considered a part of the record on review." Prineville Development Code (PDC 153.250.020); 153.258.060(B). The City Council will consider new evidence and arguments from participants in deciding whether to approve or deny BestCare's application.

Map Number & Tax Lot: Tax Lot ID 141631CB01000

Scheduled Hearing: 6:00 P.M., November 4th, City Council Chambers

DSL's General Response to Notice: BestCare housing application

From DSL Support Services * DSL <Support.SERVICES@dsl.oregon.gov>

Date Wed 10/8/2025 11:36 AM

To Josh Smith <jsmith@cityofprineville.com>

Cc SCHMEISKE Michael * DSL <Michael.SCHMEISKE@dsl.oregon.gov>; SALGADO Jessica * DSL <Jessica.SALGADO@dsl.oregon.gov>; ROVIRA Angel C * DSL <Angel.C.Rovira@dsl.oregon.gov>; ZUMWALT Shawn * DSL <Shawn.ZUMWALT@dsl.oregon.gov>; SERRA Erin * DSL <Erin.SERRA@dsl.oregon.gov>; BROWN Jevra * DSL <Jevra.BROWN@dsl.oregon.gov>

 4 attachments (3 MB)

SitePlans combined.pdf; Building Elevations.pdf; Fire Hydrant Flow Test.pdf; Project overview.pdf;

Attached: A copy of the local agency notice

Thank you for contacting Oregon Department of State Lands (DSL) regarding the Crook County Notice: BestCare housing application.

Department of State Lands (DSL) Requirements

A DSL removal-fill permit may be required for projects that add, remove, or move material to wetlands, streams, and other waters. In addition, DSL proprietary authorizations may be required for projects in [Oregon-owned Waterways](#).

DSL Wetland Land Use Notices (WLUN)

Did you check if this proposed project requires a DSL WLUN, and if required, did you submit a WLUN?

If Yes - Thank you! Please use DSL's response to the WLUN as the removal-fill program's comments for this public notice.

If No – When a local government receives an application for a land alteration project with wetlands, waters, or soils mapped on the Statewide Wetlands Inventory (SWI) and/or the Local Wetlands Inventory (LWI) within or near the project area, or if local knowledge indicates that there appears to be wetlands or waters near the project area, then please submit a WLUN to DSL. You may look here to [view LWI and SWI](#).

Local government WLUN submittal is required within five (5) days of receiving a complete and WLUN-eligible application, per Oregon law. DSL staff review and respond to WLUN within 30 days, providing clarification of removal-fill permit requirements for the project area. DSL responses are also sent to the applicant, and/or landowner, providing clarification of removal-fill permit requirements for the project area. WLUN is the coordination process to get formal DSL comments regarding ground disturbing projects within or partially within potentially DSL jurisdictional resources.

Please take a moment to look at the [Oregon wetland land use notification laws](#) and the [Wetland land use notice guide](#) to determine the circumstances under which a WLUN submittal is required. Please submit the WLUN to DSL using the [online submittal form](#).

SWI GIS may be brought into the local GIS (if you have GIS) via DSL services following directions found here: [Using the SWI web map tools and dataset directions](#).

Please know, the Statewide Wetlands Inventory (SWI) and Local Wetlands Inventory (LWI) maps only show if there are likely wetlands and other waters within or near an area. Only a non-expired wetland delineation report approved by the DSL accurately shows the location and boundaries of waters of this state.

Who to Contact at DSL

- **WLUN Process and Regulations.** If you have questions regarding the WLUN process, please contact Jevra Brown (Jevra.BROWN@dsl.oregon.gov, 503-580-3172). WLUN Oregon Revised Statute and guidance can be found [here](#).
- **WLUN Response.** For questions regarding DSL's response to a WLUN, please contact the [DSL staff](#) who signed the WLUN form.
- **Wetland Delineation/Determinations.** For questions regarding wetland delineation or determination reports, please contact the [DSL Wetland Ecologist](#) for your county.

- **Wetland or Waters Impacts.** For questions regarding removal-fill permit requirements for impacts to waters of this state, you may contact the [DSL Aquatic Resource Coordinator](#) for your county.
- **Proprietary Authorizations.** For questions regarding work within Oregon-owned waters, please contact the [DSL Proprietary Coordinator](#) for your county.
- **Real Property.** For questions regarding work within Oregon-owned uplands, please contact the [DSL Land Manager](#).

Melissa Pelton

Public Records Coordinator
Oregon Department of State Lands
775 Summer St NE Ste 100
Salem, OR 97301
971-599-9153 (cell)
www.Oregon.gov/DSL • [DSL Online Payment Portal](#)

From: Josh Smith <jsmith@cityofprineville.com>
Sent: Wednesday, October 8, 2025 10:47 AM
To: _COPR-Development-Review <COPR-Development-Review@cityofprineville.com>
Subject: BestCare housing application

You don't often get email from jsmith@cityofprineville.com. [Learn why this is important](#)
Good afternoon,

The Prineville City Council will be hearing an appeal of the BestCare multi-family housing project that was denied by the Planning Commission at their June 17th Meeting. The project has not changed. The application is described below and in the attached documents. If you provided comments on the original application those comments are still part of the record. If you have additional comments, please provide them by October 21, to be incorporated into the staff report.

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Site Location: 996 NW Madras Highway

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Appellant\Property Owner: Best Care Treatment Services, Inc.

Proposal: The Appellant (BestCare) is proposing a 9-Unit, multi-family cluster housing development on an existing lot in the General Commercial ("C2") Zone. On November 4, 2025, the City Council will conduct a "de novo" appeal proceeding to consider whether BestCare's application should be approved or denied. A "de novo" appeal proceeding is a public hearing before the City Council that considers BestCare's proposal "as if [it] had not previously been heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration will be considered a part of the record on review." Prineville Development Code (PDC 153.250.020); 153.258.060(B). The City Council will consider new evidence and arguments from participants in deciding whether to approve or deny BestCare's application.

Map Number & Tax Lot: Tax Lot ID 141631CB01000

Scheduled Hearing: 6:00 P.M., November 4th, City Council Chambers

RE: HAPO Inquiry: City of Prineville - clear and objective standards

From MARQUARDT Ryan * DLCD <Ryan.MARQUARDT@dlcd.oregon.gov>

Date Wed 10/15/2025 9:11 AM

To Josh Smith <jsmith@cityofprineville.com>

Hi Josh,

Thanks for your patience on a response.

On the first question, yes, that's the gist of the previous responses from me (below) and Sean (email from July 11th). Sean's email addresses the specifics of ORS 197A.400 and the discretionary path in the context of commercial zones in more detail.

On the second question, you did catch a typo from me, and my apologies for that. Those purpose statements do not read as clear and objective. Development subject to a conditional use process could be denied if it doesn't satisfy the standards or criteria for conditional use approval in the city's acknowledged development regulations (ORS 227.173). If the code establishes conformance with a zone's purpose statement as an approval criterion, that could presumably be a basis for denial if it isn't met.

Ryan Marquardt, AICP

Housing Planner | Housing Accountability and Production Office

Pronouns: he/him

Cell: 971-375-5659 | Main: 503-373-0050

ryan.marquardt@dlcd.oregon.gov | www.oregon.gov/LCD

From: Josh Smith <jsmith@cityofprineville.com>

Sent: Friday, October 3, 2025 10:10 AM

To: MARQUARDT Ryan * DLCD <Ryan.MARQUARDT@dlcd.oregon.gov>

Subject: Re: HAPO Inquiry: City of Prineville - clear and objective standards

Ryan,

Two more clarification questions based on the last two email responses:

1. Is it HAPO's opinion that based on the response below, that the City of Prineville does have a clear and objective path for residential in commercial ("Outright" residential above commercial) meeting 1974A.400 and therefore has a discretionary path ("Conditional use" stand-alone multi-family) that could be denied based on location or purpose statement of the zone?

*What you're describing ("ignore or waive our own code based on State law that would then create my "clear and objective" path") is in line with HAPO staff's thinking. Many zoning codes have older provisions that apply to residential development where the standards or criteria do not satisfy the clear and objective requirement in ORS 197A.400. We're not aware of anything suggesting this by itself is a violation. Rather, the language in ORS 197A.400 requires that "a local government may adopt and **apply** only clear and objective standards, conditions and procedures" (emphasis added). Where the land use regulations for residential development in a zoning code are not all clear and objective, the statute seems to direct the local government to apply only those that are clear and objective in its land use decisions (or have that path available to applicant).*

2. Did you mean the say below that the purpose statements "do not" read as clear and objective. If so the same question above applies. Could the purpose of a zone be used to deny a discretionary path assuming you agree I have a clear path described in item 1.

You asked if the purpose statement of the commercial zone could serve as the initial clear and objective standard for a decision to allow residential development. The current purpose statements for the Commercial Zones do read as clear and objective language. Even if they were, it would not satisfy ORS 197A.400 if a housing development would be subject to additional discretionary approval criteria once it passes an initial screening against a clear and objective purpose statement.

Josh Smith | Planning Director

387 NE 3rd St Prineville, OR 97754
Tel: [541.447.2367](tel:541.447.2367) | Fax: [541.447.5628](tel:541.447.5628) | Mobile: [541.460.2197](tel:541.460.2197)
Email: jsmith@cityofprineville.com

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From: MARQUARDT Ryan * DLCD <Ryan.MARQUARDT@dlcd.oregon.gov>
Sent: Wednesday, October 1, 2025 12:03 PM
To: Josh Smith <jsmith@cityofprineville.com>
Subject: RE: HAPO Inquiry: City of Prineville - clear and objective standards

Josh,

What you're describing ("ignore or waive our own code based on State law that would then create my "clear and objective" path") is in line with HAPO staff's thinking. Many zoning codes have older provisions that apply to residential development where the standards or criteria do not satisfy the clear and objective requirement in ORS 197A.400. We're not aware of anything suggesting this by itself is a violation. Rather, the language in ORS 197A.400 requires that "a local government may adopt and **apply** only clear and objective standards, conditions and procedures" (emphasis added). Where the land use regulations for residential development in a zoning code are not all clear and objective, the statute seems to direct the local government to apply only those that are clear and objective in its land use decisions (or have that path available to applicant).

As you're probably aware, the city isn't able completely shield itself from a LUBA appeal. However, HAPO does have technical assistance resources to help local governments get their development code up to date with the clear and objective requirements and the other recent legislative changes to housing laws. We'd welcome further discussion with you about code update assistance that can help minimize the risk of future housing law-related appeals. Please feel free to follow up with me or Sean if you'd like to explore this.

Lastly, you mentioned that the city has recently been appealed on denial of a housing law decision. Would you be able to provide us with the city's decision and the appeal? Based on what you've described, we'd be interested in the specifics of the decision and the basis of the appeal.

Thanks,

Ryan

Ryan Marquardt, AICP

Housing Planner | Housing Accountability and Production Office

Pronouns: he/him

Cell: 971-375-5659 | Main: 503-373-0050

From: Josh Smith <jsmith@cityofprineville.com>

Sent: Wednesday, September 24, 2025 1:47 PM

To: MARQUARDT Ryan * DLCD <Ryan.MARQUARDT@dlcd.oregon.gov>

Subject: Re: HAPO Inquiry: City of Prineville - clear and objective standards

Thank you for your response, Ryan.

I believe I have a clear and objective path in my commercial zones because I allow residential above commercial as an outright use. Development standards applied would be clear and objective. I do still have some discretionary language in my design review standards, but I simply waive them to comply with State law. We were appealed for denying a conditional use (discretionary path) for a low-density housing project in a commercial zone along the Hwy because it does not meet the purpose of the zone or location along the Hwy. They are claiming we do not have a "clear and objective" path, because the discretionary language that I don't apply is still in the code; therefore, we do not have a discretionary path we can deny.

This seems counter intuitive because the State is currently allowing us to apply State laws (middle housing land division) and ignore our own code. So, shouldn't we also be allowed to ignore or waive our own code based on State law that would then create my "clear and objective" path, that I list as an outright use? Is it really up to my City to go through a LUBA appeal, with the potential of costing us hundreds of thousands of dollars in legal fees to determine this?

Josh Smith | Planning Director

387 NE 3rd St Prineville, OR 97754

Tel: [541.447.2367](tel:541.447.2367) | Fax: 541.447.5628 | Mobile: [541.460.2197](tel:541.460.2197)

Email: jsmith@cityofprineville.com

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From: MARQUARDT Ryan * DLCD <Ryan.MARQUARDT@dlcd.oregon.gov>

Sent: Wednesday, September 24, 2025 1:20 PM

To: Josh Smith <jsmith@cityofprineville.com>

Subject: HAPO Inquiry: City of Prineville - clear and objective standards

Hello Josh,

I'm responding to an inquiry you submitted to HAPO on 09/11/25. The text you provided explaining the inquiry is copied below my email signature. I appreciate your patience for the time it's taken me to reply.

The 'clear and objective' statute in ORS 197A.400 applies to "standards, conditions and procedures regulating the development of housing". This includes decisions on whether a site with zoning that allows residential uses can be developed with housing and is not limited to just the

standards for physical development of the site.

Your question about conditional use review for residential development in commercially zoned lands is something that Sean touched on in a prior email (Point #1 in the attached email from July 11th). It would be inconsistent with ORS 197A.400 to allow residential development in a zone only through a discretionary conditional use process. It can be allowable to have a conditional use process for some residential development if an applicant retains an option for a clear and objective approval. This appears to be what the city has in place under Chapter 153.037 of the Zoning Ordinance, where some residential development in the C zones is permitted outright, and other types are conditionally permitted.

You asked if the purpose statement of the commercial zone could serve as the initial clear and objective standard for a decision to allow residential development. The current purpose statements for the Commercial Zones do read as clear and objective language. Even if they were, it would not satisfy ORS 197A.400 if a housing development would be subject to additional discretionary approval criteria once it passes an initial screening against a clear and objective purpose statement.

An option the city can consider for permitting residential development in commercial zones is to adopt clear and objective approval criteria that substitute for the factors that would be considered as 'judgment calls'. For example, single-use residential development could be allowed only on sites below a size threshold and/or only where at least a certain percentage of lots in a given radius or along the block face containing the site have existing commercial development. Sean's email cites a LUBA case that stands for the concept that a clear and objective pathway need not guarantee an approval, though cannot have the effect of discouraging needed housing through unreasonable cost or delay. In the context of zones that are not primarily residential, there is likely a lower risk for the city to set more stringent clear and objective standards that favor preservation of commercial development potential. Please note that we're not aware of caselaw that specifically speaks to this intersection of ORS 197A.400 and commercially zoned lands. I certainly acknowledge that it can be challenging to translate subjective factors into clear and objective criteria. This is simply one concept for how the city may approach this topic

Please note that this is provided as informal guidance and does not constitute legal advice. These are complex questions, and we appreciate you making the effort to get our input on them. Hopefully this helps, and please let me know if we can provide any further information or clarification.

Thanks,

Ryan

Ryan Marquardt, AICP

Housing Planner | Housing Accountability and Production Office

Pronouns: he/him

Oregon Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540

Cell: 971-375-5659 | Main: 503-373-0050

ryan.marquardt@dlcd.oregon.gov | www.oregon.gov/LCD

The Housing Accountability and Production Office is a joint office between the Department of Land Conservation and Development (DLCD) and the Department of Consumer and Business Services' Building Codes Division (BCD).

Inquiry:

Sean,

I need your opinion. I'm having a debate about when clear and objective standards start. This has nothing to do with 197A.445 or 460, I understand those are exceptions. This has to do with conditional uses. My understanding is that clear and objective standards start with the site plan not the location. Our City has always allowed multi-family as a conditional use in the commercial zones. We want to provide the opportunity but reserve the discretionary right to deny if the location doesn't make sense based on the purpose of that zone. The site's development would remain clear and objective. For example, we may not want residential along some of our Hwy commercial, if it would break up contiguous land, if it would create compatibility issues with existing or future uses or simply use too much commercial land that should be used for economic development, etc. These things are not written down in our development code as conditions of approval, it's a

judgment call. Even if they were written down it would still be a judgement call. We have our clear and objective path in our commercial zones that is an outright use by permitting residential above commercial.

My worry is that because we have a very flexible code and allow many opportunities through conditional uses, the State has essentially eliminated our Commercial zoning if I can't deny based on the commercial zoning. This would force us to remove those conditional use options and make our code more restrictive. It would also directly conflict with Goal 9.

Is the zone location part of the clear and objective standards under 197A.400 and 227.175?

If it is, isn't the written purpose of the zone the first clear and objective standard that would allow us to deny an application? This may get into Comprehensive Plan policy as well. If it isn't part of clear and objective standards, then I feel like our discretionary conditional use path allows us to safely deny an application based purely on the zone.

Thank you for your time.

RE: Inquiry Follow-up: Prineville 20250711 - Housing on Commercial Lands (Local Government)

From EDGING Sean * DLCD <Sean.EDGING@dlcd.oregon.gov>

Date Fri 7/11/2025 2:12 PM

To Josh Smith <jsmith@cityofprineville.com>

Cc Angie Brewer <angie.brewer@dlcd.oregon.gov>

Hey Josh,

Good question! In short, we are using a few tricks of statute to basically enable cities to apply a model code module for a specific development application, *without a code/comp plan amendment*.

First, [SB 1564](#) changed statute to provide direction to LCDC to adopt model housing codes. It also gave cities the authorization to apply the model code – in whole or in part – by reference.

It also amended ORS 197A.400 and 227.175 to enable cities to apply models adopted by LCDC:

ORS 197A.400 (1) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary. The standards, conditions and procedures:

...

(c) May be contained in a comprehensive plan, land use regulation or an ordinance relating to housing adopted by a city that adopts, including by reference, a model ordinance adopted by the Land Conservation and Development Commission that comports with any qualifications, conditions or applicability of the model ordinance.

ORS 227.175 (4)(a) A city may not approve an application unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions, **including an ordinance described in ORS 197A.400 (1)(c)**. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

Now, this was intended as a tool to enable cities (particularly small cities) to encourage housing, even if they lack the resources to keep codes up to date. However, we plan to design this model code to also enable larger cities to apply individual ‘modules’ of the code to comply with housing laws if their codes don’t conform (e.g. ORS 197A.445 and 460). That way, these cities need not worry about dedicating the time/resources for code amendments, they have a state option should an application comes through the door (or they can still choose to apply the statute directly, which is still the case today). We plan on using authority under ORS 197.646 to enable this:

(1) A local government shall amend its acknowledged comprehensive plan or acknowledged regional framework plan and land use regulations implementing either plan by a self-initiated post-acknowledgment process under ORS 197.610 to 197.625 to comply with a new requirement in land use statutes, statewide land use planning goals or rules implementing the statutes or the goals.

...

(3) When a local government does not adopt amendments to an acknowledged comprehensive plan, an acknowledged regional framework plan or land use regulations implementing either plan, as required by subsection (1) of this section, **the new requirements apply directly to the local government's land use decisions...**

Right now, this statute is implemented by cities directly applying statutes to land use decisions, which is (of course) dicey. The idea here is basically have model codes adopted via rule that cities can use to implement a statute directly to comply with the law, without having to go to council for code/comp plan amendments.

An example that will be coming out relatively soon (end of this year) is for middle housing land divisions. Many cities have not yet codified [ORS 92.031](#). Also, [HB 2138](#) just changed the statute, which would necessitate a lot of code amendments to keep pace. We basically plan on making a module for middle housing land divisions that any city can simply apply should one come through the door.

Of course, cities will be able to retain their ability to make their own code amendments or apply the statute directly, but this gives a lot of cities an option to simply let the state keep up with statute on certain topics if desired.

Best,

Sean Edging [Hear my name](#) .
Senior Housing Planner | Housing Accountability and Production Office
Pronouns: He/Him
Cell: 971-375-5362 | Main: 503-373-0050
sean.edging@dlcd.oregon.gov | www.oregon.gov/LCD

From: Josh Smith <jsmith@cityofprineville.com>

Sent: Friday, July 11, 2025 1:51 PM

To: EDGING Sean * DLCD <Sean.EDGING@dlcd.oregon.gov>

Cc: BREWER Angie * DLCD <angie.brewer@dlcd.oregon.gov>

Subject: Re: Inquiry Follow-up: Prineville 20250711 - Housing on Commercial Lands (Local Government)

Thanks Sean,

This is basically what we talked about and should give us enough to make a decision.

With the model code has HAPO discussed how these changes are going to work? If we start removing uses from zones were going to be hit with taking issues and if we add were going to be hit with compatibility issues. The Legislature doesn't seem to understand this and keeps passing rules that contradict their own processes. Will City's be able to change their codes without

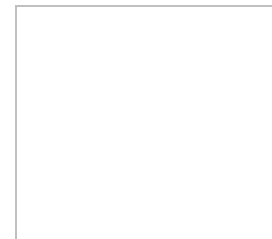
M56 notices? I absolutely hate having public meetings where I have to tell the public that their voice does not matter. I've actually considered making an entirely separate code with the state criteria and just referring to it when it contradicts my local code.

Josh Smith | Planning Director

387 NE 3rd St Prineville, OR 97754
Tel: [541.447.2367](tel:541.447.2367) | Fax: 541.447.5628 | Mobile: [541.460.2197](tel:541.460.2197)
Email: jsmith@cityofprineville.com

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From: EDGING Sean * DLCD <Sean.EDGING@dlcd.oregon.gov>

Sent: Friday, July 11, 2025 1:00 PM

To: Josh Smith <jsmith@cityofprineville.com>

Cc: Angie Brewer <angie.brewer@dlcd.oregon.gov>

Subject: Inquiry Follow-up: Prineville 20250711 - Housing on Commercial Lands (Local Government)

Good afternoon Josh,

This is a response to several questions posed by the City of Prineville in relationship to an active development application involving the application of specific housing laws. For context, our office is directed to provide guidance to local governments and developers on the application of state “housing laws” as defined in [Senate Bill 1537 \(2024\)](#).

Please note that this guidance is provided informally by the office. This guidance is neither an official action of the office nor is substitution for legal counsel. During our review, it became particularly clear that we would be unable to provide definitive clarity on at least one question due to case law surrounding the

issue. Please also note that if a notice of intent to appeal is filed to the Land Use Board of Appeals or other private litigation is initiated, our office is statutorily prohibited from further participation (see Section 2 (2)(c) of SB 1537).

For clarity, I have revised my understanding of the questions based on our phone call to better understand the issues at hand. Below reflects my understanding, but please let me know if I am missing anything that warrants clarification. I will share these same responses and any follow-up responses with the applicant for transparency, in alignment with our [policies and procedures](#) for inquiries. You are welcome to share this guidance or enter it into the record.

1. Does ORS 197A.400 disallow the application of a conditional use permit for housing on commercial lands? As applied to this development proposal, would the city violate ORS 197A.400 by applying discretionary standards?

Short answer: Yes, but cities are permitted to apply alternative discretionary processes meeting certain requirements. In this case, if the conditional use permit is an allowable discretionary process that meets the requirements of 197A.400 (3), then it is permissible to apply discretionary standards.

Longer answer: ORS 197A.400 (1) requires that all local governments “adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing [within an urban growth boundary]”. This was a change that occurred in 2017; previously, clear and objective standards only applied to “needed housing”. Because the scope of the statute has broadened to all housing [within a UGB], a previously common practice of requiring discretionary review of housing applications in certain non-residential zones was rendered inconsistent with the statute. This is an ongoing risk to local governments who have not yet updated local development codes.

However, it is important to note that local governments are permitted to apply alternative discretionary processes for residential development under ORS 197A.400 (3). To be compliant with the law, the discretionary pathway must meet three criteria:

1. There must be an option of proceeding under a clear and objective process.
2. The approval criteria for the alternative process must comply with statewide land use planning goals and rules, and
3. The alternative process must authorize a density “at or above” the density level authorized under the clear and objective process.

As applied in this context, this means that a discretionary conditional use process does not necessarily contradict ORS 197A.400, provided the applicant have the option to proceed with a clear and objective pathway. Based on a cursory review of the city's development code (see [153.037](#)), I see that the code does allow certain residential uses as an outright permitted use with no requirement for a conditional use permit, such as "residential development above commercial ground floor". Provided the standards, conditions and procedures of this pathway are clear and objective, the applicant has the option to proceed under the pathway, and the alternative, discretionary pathway similarly meets the criteria in ORS 197A.400 (3), then the conditional use permit would be allowable under statute.

Please note that the recent case law I am aware of relating to ORS 197A.400 (3) is [Dreyer v. City of Eugene, 78 Or LUBA 391 \(2018\)](#), which established that a clear and objective pathway need not guarantee an approval pathway. Rather, the pathway must provide the "option of proceeding" and cannot have the effect of "discouraging needed housing through unreasonable cost or delay".

2. Under ORS 227.175 (4)(a) and (b), is a city prohibited from applying a requirement that a conditional use be compatible with the comprehensive plan?

Short answer: A plain reading of statute does not indicate that a local government is prohibited from applying comprehensive plan policies as an approval criterion in the development ordinance. However, there is substantial case law on this topic that our team lacks expertise to speak to.

Longer answer: This guidance reflects a plain reading of the statutory text. Please note that there may be case law available that reflects a different understanding of law than what I put forth. ORS 227.175 (4)(a) prohibits a city from approving an application that is inconsistent with the comprehensive plan. However, 227.175 (4)(b) prohibits denial for applications that meet clear and objective standards set forth by the city. So how does a local government meet both where application of the comprehensive plan policies to an individual development proposal requires discretion?

I look at this prohibition in context of a corollary requirement – ORS 227.173 (1), which requires approval of permits to be "based on standards and criteria, which shall be set forth in the development ordinance and which shall relate approval or denial of a discretionary permit application to the development ordinance and to the comprehensive plan for the area in which the development would occur and to the development ordinance and comprehensive plan for the city as a whole."

In simpler terms, I understand this to mean that the development ordinance is the implementing tool of the comprehensive plan. While the comprehensive plan establishes the broader goals, policies, and aspirations, the development code implements the comp plan with specific mandatory requirements applied to development. In this context, a development proposal is consistent with the comprehensive plan by meeting the standards in the development ordinance, because those standards implement the comprehensive plan. And of course, ORS 197A.400 requires those standards to be clear and objective, except for alternative, discretionary pathways under ORS 197A.400 (3).

ORS 227.175 (4)(b) in this context is much more straightforward – a residential development proposal in the UGB meeting clear and objective standards (set forth in the city’s development ordinance to implement the comprehensive plan) cannot be denied. For an alternative discretionary pathway, a local government may require compatibility with the comprehensive plan, but it must be set forth in the development ordinance as a standard. In this case, it appears the city does this via 153.014, which requires:

(A) The proposal is compatible with the City Comprehensive Plan and applicable policies set forth thereby.

However, as a very important caveat, our collective expertise on this subject ends at case law, and we understand that there are many past cases that may affect the manner in which local governments may or may not apply the comprehensive plan to individual development applications. This includes the cases cited in the notice of appeal as well as other cases that relate to the application of comprehensive plan to individual development applications.

In researching this inquiry, it became clear that our team is unable to compile and provide accurate guidance on applicable case law without further review from legal counsel. For this reason, we cannot offer definitive interpretive clarity on this particular question as applied and recommend consulting legal counsel for further guidance.

3. Does ORS 197A.445 or 197A.460 require a local government to allow residential uses in commercial zones without a conditional use permit process? Do either statute apply to the proposal?

Short answer: Yes, but only where an application meets specific statutory parameters. Based on the information provided, we cannot determine that either statute applies in this case.

Longer answer: Both ORS 197A.445 and 197A.460 fall under a category of statutes we refer to shorthand as “by-right affordable housing” requirements. These statutes require local governments to allow certain qualifying residential development meeting specific statutory requirements, including affordability requirements for the residential development. These statutes effectively ‘notwithstanding’ many components of a local government’s zoning requirements and development ordinance. This includes requirements for zone changes or conditional use permits for residential development.

However, for this statute to apply, the application must meet the qualifications set forth in statute. One of the most critical qualifications is that the application must be for specific kinds of “affordable housing” provided in statute. These vary for each statute:

- ORS 197A.445 defines “affordable housing” to mean residential property:

(A) In which:

- (i) Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income;
- (ii) The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; or
- (iii) A manufactured dwelling park is operated that serves only households with incomes of 120 percent or less of the area median income; and

(B) Whose affordability, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.

- ORS 197A.460 requires the residential use to be either:

- (a) Residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income as defined in ORS 456.270; or
- (b) Mixed use structures with ground floor commercial units and residential units subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making the properties affordable to moderate income households, as defined in ORS 456.270.

These qualifications generally align with requirements associated with OHCS-funded affordable housing projects. In addition to these initial requirements, there are a host of other statutory parameters and regulatory requirements in both statutes that an application must meet in order to be approved under the law – examples include specific locational and site requirements, goal protections, life/safety and public facility requirements.

We do not have full access to the application materials, but were provided the project overview narrative, staff report, Planning Commission decision, and notice of appeal. In the provided materials, the following excerpts explain the affordability of the proposed development (bolded emphasis mine):

“Residents **live rent-free**, and will be enrolled in supportive services”

“The proposed site was purchased by BestCare specifically for this project. The acquisition and development are funded by a Behavioral Health Housing grant through House Bill 5202, administered by the Oregon Health Authority (OHA). As a condition of this state grant, the property will be encumbered by long-term restrictive covenants requiring its use for behavioral health housing **for a minimum of 20 years**.”

These descriptions do not clarify whether the precise affordability covenants meet either ORS 197A.445 or 197A.460, and the description suggests that the proposal may not meet the particular qualifications in statute. Furthermore, the provided materials do not assess whether the application meet all of the other requirements noted in statute. It is possible that the proposal may meet the requirements of one statute or the other, but without evidence in the provided materials, we are unable to verify that either statute applies in this context.

My recommendation for any housing developer seeking to make use of this statute would be to carefully evaluate either statute and determine whether the site and proposal can meet the requirements laid out in statute. If submitting an application to a local government, our recommendation is to include narrative and corroborating evidence/documentation demonstrating that the proposal meets the requirements set forth in statute.

We are happy to offer technical assistance to explore the specifics of either statute. Additionally, we have identified these “by right affordable housing” statutes as a high priority for model codes that local governments may apply directly to ensure implementation is more consistent and predictable for developers and local governments. We expect to develop these codes over the next biennium, so we encourage folks to stay engaged as we work on these resources.

Best,

Sean Edging [Hear my name](#) .

Senior Housing Planner | Housing Accountability and Production Office

Pronouns: He/Him

Oregon Department of Land Conservation and Development

635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540

Cell: 971-375-5362 | Main: 503-373-0050

sean.edging@dlcd.oregon.gov | www.oregon.gov/LCD

The Housing Accountability and Production Office is a joint office between the Department of Land Conservation and Development (DLCD) and the Department of Consumer and Business Services' Building Codes Division (BCD).



City of Prineville

387 NE THIRD STREET ♦ PRINEVILLE, OREGON 97754

COMMUNITY DEVELOPMENT

Phone: (541)447-2367 FAX: (541) 447-5628

Web Site: www.cityofprineville.com

Neighbor Notice Mailed: October 8th, 2025

NOTICE OF PUBLIC HEARING FOR THE PRINEVILLE CITY COUNCIL

ATTEND VIRTUALLY WITH THE FOLLOWING URL: [HTTPS://US02WEB.ZOOM.US/J/88633486058](https://us02web.zoom.us/j/88633486058)

You are receiving this notice because you were previously provided notice of, or participated in, local proceedings concerning, a development proposal by BestCare Treatments Services, Inc. ("BestCare") for APP- 2025-100 to establish a housing development on land zoned C2 at 996 NW Madras Highway; Tax Lot ID 141631CB01000. The Prineville City Council will conduct a public hearing on the 4th day of November 2025, at 6:00 P.M. in the City Council Chambers of City Hall located at 387 NE 3rd St. in Prineville, Oregon. The City Council will consider the following:

File Number: CU-2025-102/App-2025-100

Location: 996 NW Madras Highway; Tax Lot ID 141631CB01000.

Proposal: The Appellant (BestCare) is proposing a 9-Unit, multi-family cluster housing development on an existing lot in the General Commercial ("C2") Zone.

Procedural Posture: This proposal was previously considered by the City Planning Commission on 6/17/2025. The City Council declined review on July 23, 2025. BestCare appealed to the Oregon Land Use Board of Appeals (LUBA). The City withdrew the decision for reconsideration.

The Upcoming Proceeding on November 4, 2025: On November 4, 2025, the City Council will conduct a "de novo" appeal proceeding to consider whether BestCare's application should be approved or denied. A "de novo" appeal proceeding is a public hearing before the City Council that considers BestCare's proposal "as if [it] had not previously been heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration will be considered a part of the record on review." Prineville Development Code (PDC 153.250.020); 153.258.060(B). The City Council will consider new evidence and arguments from participants in deciding whether to approve to deny BestCare's application.

The specific rules for the City Council November 4, 2025 proceeding are established in PDC 153.258.070

Appellant\Property Owner: BestCare Treatment Services, Inc.

Staff Contact: Joshua Smith, Planning Director (541) 447-2367, to request information, an interpreter or other communication aids.

Applicable Criteria: ORS – 197A.400(1) and (3), 227.173(2), 227.175(4)(b)(A), 197A.445, 197A.460. and the "clear and objective" standards in the City's Code of Ordinances, Title XV – (PDC) Chapter 153 – Sections: 153.009, 153.014, 153.020, 153.035, 153.036, 153.037, 153.038, 153.046, 153.051, 153.258.060, 153.080–091, 153.135-138, 153.190-200, 153.250-261, PDC Chapter 151, City of Prineville Urban Area Comprehensive Plan.

Based on Oregon law (ORS 197A.400, ORS 227.173(2), and ORS 127.175(4)(b)(a)), the City is only able to apply “clear and objective” standards, procedures, or conditions to the proposal because it is an application for the development of housing. The Court of Appeals has held that standards do not meet the “clear and objective” test if “they impose subjective value-laden analyses that are designed to balance or mitigate impacts of the development in (1) the property to be developed or (2) the adjoining properties or community.” The court has said that standards that meet the “clear and objective” test are “easily understood and without obscurity or ambiguity.” The court has also said that the fact that a standard may contain “imprecise or ambiguous terms” by itself “does not necessarily resolve” the question of whether a standard is clear and objective. *Roberts v. City of Cannon Beach*, 316 Or App 305 (2021).

In appeals at LUBA or the appellate courts, the City carries the burden to prove that its standards, procedures and conditions can only be applied in a clear and objective manner. ORS 197.831. LUBA is required to award attorney fees against the City if it reverses a denial of an “affordable housing” project (ORS 197.843), LUBA is required to order the City to pay attorney fees if it reverses and orders approval (ORS 197.835(10)(b)), or if LUBA finds that the City presented a position without any probable cause to believe it has merit (ORS 197.830(15(b))).

There is an exception in state law to the rule that only clear and objective standards, procedures and conditions may be applied to applications for the development of housing. That exception is in ORS 197A.400(3), which says that if the City has a clear and objective pathway for approval, that an alternative non-clear and objective approval pathway can be applied by the City under certain conditions. The applicant has applied for approval of its application under an alternative non-clear and objective pathway.

One question to be decided at the November 4, 2025 City Council proceeding is whether the City has a “clear and objective” pathway that allows the City to apply the non-clear and objective standards from the alternative discretionary, non-clear and objective pathway. Another question to be decided is that if the City can apply non-clear and objective standards, does the proposal meet such standards. A third question is whether the preproposal meets any of the discretionary (non-clear and objective) standards that can be applied if state law allows the City to apply such non-clear and objective standards, procedures or conditions.

The purpose of the November 4, 2025 City Council proceeding is to resolve these and other questions that may be raised by participants and that were raised in the Applicant, BestCare’s July 3, 2025 appeal, concerning whether the proposal meets applicable standards and should be approved or denied.

Attachments: Proposed Site Plan, Building Design, Project overview.

The proposal is available for review at any time at the City Planning Department, in City Hall. The City Planning staff report will be available for public review no later than 7 days prior to the hearing. Persons or parties wishing to present testimony concerning the subject proposal may appear in person at the hearing or may submit written testimony or evidence to the City Planning Department on or before the date of the hearing. Any testimony shall be limited to and must address the standards and criteria relevant to the development. **FAILURE TO ADDRESS AN ISSUE NOT RELATED TO THE SPECIFIC CRITERIA AND PROVISIONS APPLICABLE TO A PROPOSED DEVELOPMENT, OR FAILURE TO PROVIDE SUFFICIENT SPECIFICITY AS TO AFFORD THE PLANNING COMMISSION AN OPPORTUNITY TO RESPOND TO SAID ISSUE PRECLUDES APPEAL ON THAT ISSUE OR ISSUES.**

BVG ENTERPRISES LLC
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REDMOND, OR 97756

SWISS PROPERTY LLC
468 NE ALDEN AVE
BEND, OR 97701

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2451 NE BOBBI PLACE
PRINEVILLE, OR 97754

BLACK KENNETH & TERRIE
1564 NW STUDEBAKER DR
PRINEVILLE, OR 97754

CARAWAY PATRICIA TRUSTEE
1098 NW MADRAS HWY
PRINEVILLE, OR 97754

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APPERSON PETER
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PRINEVILLE CITY OF
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GRAY JOHN P
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TonKon TORP
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PORTLAND, OR 97204

NOTICE OF PUBLIC HEARING PRINEVILLE CITY COUNCIL

The Prineville City Council will conduct a public hearing on the 4th day of November 2025, at 6:00 P.M. in the City Council Chambers of City Hall, 387 NE 3rd St Prineville, OR.

File Number: Cu-2025-102\App-2025-100

Location: 996 NW Madras Highway; Tax Lot ID 141631CB01000.

Proposal: The Appellant (BestCare) is proposing a 9-Unit, multi-family cluster housing development on an existing lot in the General Commercial (“C2”) Zone. On November 4, 2025, the City Council will conduct a “de novo” appeal proceeding to consider whether BestCare’s application should be approved or denied. A “de novo” appeal proceeding is a public hearing before the City Council that considers BestCare’s proposal “as if [it] had not previously been heard and as if no decision had been rendered, except that all testimony, evidence and other material from the record of the previous consideration will be considered a part of the record on review.” Prineville Development Code (PDC 153.250.020); 153.258.060(B). The City Council will consider new evidence and arguments from participants in deciding whether to approve or deny BestCare’s application.

Appellant\Property Owner: BestCare Treatment Services, Inc.

Applicable Criteria: ORS – 197A.400(1) and (3), 227.173(2), 227.175(4)(b)(A), 197A.445, 197A.460. and the “clear and objective” standards in the City’s Code of Ordinances, Title XV – (PDC) Chapter 153 – Sections: 153.009, 153.014, 153.020, 153.035, 153.036, 153.037, 153.038, 153.046, 153.051, 153.258.060, 153.080–091, 153.135-138, 153.190-200, 153.250-261, PDC Chapter 151, City of Prineville Urban Area Comprehensive Plan.

Staff Contact: Joshua Smith 541-447-2367 jsmith@cityofprineville.com to request information, an interpreter or other communication aids.

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August 26, 2025

Via First Class U.S. Mail

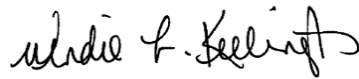
Land Use Board of Appeals
201 High Street SE, Suite 600
Salem, OR 97301-3398

RE: Bestcare Treatments Services, Inc. v. City of Prineville
LUBA No. 2025-045

Dear Clerk,

Enclosed please find for filing in the above captioned appeal an original plus one Substitution of Counsel. Thank you for your courtesies.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wendie L. Kellington". The signature is fluid and cursive, with the first name "Wendie" and last name "Kellington" clearly distinguishable.

Wendie L. Kellington

WLK:wlk

CC: David Petersen (First Class U.S. Mail w/ enclosures)
Mick Harris (First Class U.S. Mail w/ enclosures)
Jered Reid (First Class U.S. Mail w/ enclosures)
Clients

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

BESTCARE TREATMENTS SERVICES, INC.
Petitioner,

v.

CITY OF PRINEVILLE,
Respondent.

LUBA No. 2025-045

SUBSTITUTION OF COUNSEL

Notice is hereby given that Respondent will be represented in this appeal by:

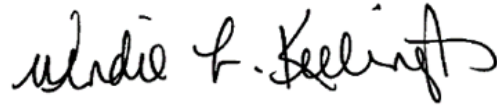
Wendie L. Kellington OSB #832589
Kellington Law Group, PC
P.O. Box 2209
Lake Oswego, OR 97035
(503) 636-0069
wk@klgpc.com

For the purpose of all communication and service related to this appeal,
Respondent asks that LUBA and the parties rely on the address and contact

information that is provided above.

Dated this 26th day of August, 2025

KELLINGTON LAW GROUP, PC

A handwritten signature in black ink, reading "Wendie L. Kellington". The signature is fluid and cursive, with the first name "Wendie" and last name "Kellington" clearly legible.

Wendie L. Kellington OSB #832589
Kellington Law Group, PC
P.O. Box 2209
Lake Oswego, OR 97035
(503) 636-0069
wk@klgpc.com
Attorney for Respondent

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on August 26, 2025, I filed the original plus one copy of this **Substitution of Counsel** with the Land Use Board of Appeals, 201 High Street SE, Suite 600, Salem, OR 97301-3398, by First Class U.S. Mail, postage prepaid.

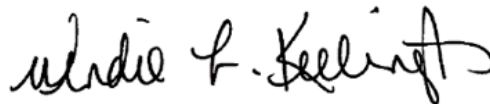
I further certify that on August 26, 2025, I served a true and correct copy of the above **Substitution of Counsel**, by First Class U.S. Mail, postage prepaid, on the following persons:

David J. Petersen, OSB No. 034220
Mick Harris, OSB No. 194984
Tonkon Torp LLC
1300 SW Fifth Ave, Suite 2400
Portland, OR 97201
(503) 221-1440
david.petersen@tonkon.com
mick.harris@tonkon.com
Attorney for Petitioner

Jered Reid, OSB No. 112155
The Law Office of Jered Reid
35 SE C Street, Suite D
Madras, Oregon 97741
(541) 447-3910
jeredwreid@gmail.com
*General Matters Attorney
for Respondent*

Dated this 26th day of August 2025.

KELLINGTON LAW GROUP, PC



Wendie L. Kellington OSB #832589
Kellington Law Group, PC
P.O. Box 2209
Lake Oswego, OR 97035
(503) 636-0069
wk@klgpc.com
Attorney for Respondent

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

BESTCARE TREATMENTS SERVICES, INC.
Petitioner,

vs.

CITY OF PRINEVILLE,
Respondent.

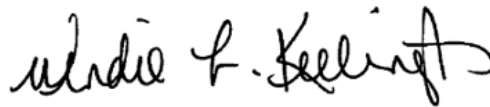
LUBA No. 2025-045

NOTICE OF WITHDRAWAL FOR RECONSIDERATION

The Notice of Intent to Appeal was filed on August 14, 2025 and the record in the above captioned appeal is due on September 4, 2025. Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, Respondent hereby gives notice that it withdraws the challenged decision for reconsideration. This Notice of Withdrawal for Reconsideration is timely, being filed before the date the record is due.

Respectfully submitted and dated this 26th day of August, 2025

KELLINGTON LAW GROUP, PC



Wendie L. Kellington OSB #832589
Kellington Law Group, PC
P.O. Box 2209
Lake Oswego, OR 97035
(503) 636-0069
wk@klgpc.com
Attorney for Respondent

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on August 26, 2025, I filed the original plus one copy of this **Notice of Withdrawal for Reconsideration** with the Land Use Board of Appeals, 201 High Street SE, Suite 600, Salem, OR 97301-3398, by First Class U.S. Mail, postage prepaid.

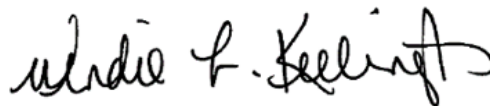
I further certify that on August 26, 2025, I served a true and correct copy of the above **Notice of Withdrawal for Reconsideration**, by First Class U.S. Mail, postage prepaid, on the following persons:

David J. Petersen, OSB No. 034220
Mick Harris, OSB No. 194984
Tonkon Torp LLC
1300 SW Fifth Ave, Suite 2400
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Attorney for Petitioner

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Madras, Oregon 97741
(541) 447-3910
jeredwreid@gmail.com
Attorney for Respondent

Dated this 26th day of August 2025.

KELLINGTON LAW GROUP, PC



Wendie L. Kellington OSB #832589
Kellington Law Group, PC
P.O. Box 2209
Lake Oswego, OR 97035
(503) 636-0069
wk@klgpc.com
Attorney for Respondent



Oregon

Tina Kotek, Governor

Land Use Board of Appeals

201 High St SE Ste 600

Salem, OR 97301-3398

(503) 373-1265

August 19, 2025

Jered Reid
Law Office of Jered Reid
545 NE 7th Street
Prineville, OR 97754

RE: BestCare Treatments Services, Inc. v. City of Prineville
LUBA No. 2025-045

This is to advise you that a Notice of Intent to Appeal was received by the Board on August 18, 2025, in the above matter and that OAR 661-010-0015 requires that service of the notice of intent to appeal be made upon the respondent within 21 days after the date of the land use decision being appealed.

A copy of the record is to be prepared by respondent and transmitted to the Board within 21 days of the date of such service. Enclosed is a summary of the specifications for preparation of the record as set out in OAR 661-010-0025(4).

If the decision being appealed is on remand from LUBA and the record on remand incorporates the original record, you will need to refile a copy of the original record as we no longer maintain records from closed appeals.

Attached to this letter is a notice of the option to seek mediation in this matter.

Best Regards,

Hannah Barkemeyer Baker
Executive Support Specialist

Enclosures

cc: David J. Petersen



IMPORTANT NOTICE REGARDING LOCAL RECORDS

LOCAL RECORD

OAR 661-010-0025(2) requires the governing body (Respondent) to transmit to LUBA a **certified COPY** of the record. **Please do not transmit original** documents or exhibits, except for difficult-to-duplicate items described in OAR 661-010-0025(2). Any such original documents must be clearly labeled as originals and arrangements must be made to pick-up the documents when the appeal process ends.

RECORD SPECIFICATIONS OAR 661-010-0025(4)

The record submitted to LUBA, and any supplement or amendment thereto, must be prepared in accordance with OAR 661-010-0025(4).

Bound Folder. The record must be in a suitable folder and securely fastened. OAR 661-010-0025(4)(a)(A) and (C).

Cover Page. The record must include a cover page which includes the title of the case as it appears in the notice of intent to appeal. OAR 661-010-0025(4)(a)(A).

Table of Contents. The record must include a table of contents, listing each item contained in the record and the page of the record where the item begins. OAR 661-010-0025(4)(a)(B).

Oversized Exhibits. The record table of contents must list any large maps, CDs or tapes or other documents retained by the local government, which will be submitted at oral argument. OAR 661-010-0025(2) and OAR 661-010-0025(4)(a)(B).

Consecutive Page Numbers. The pages of the record must be numbered consecutively. OAR 661-010-0025(4)(a)(D).

Order of Documents. The record must be arranged in inverse chronological order, with the most recent item on top. OAR 661-010-0025(4)(a)(E).

Certificate of Service. The record must include a certificate of service showing a copy of the record was served on all parties to the appeal. OAR 661-010-0025(3)(a); OAR 661-010-0075(2)(b)(D). The copy of the record served on the parties must include a certificate showing the date the record was filed with LUBA OAR 661-010-0075(2)(b)(C).

ELECTRONIC RECORDS

Any electronic record submitted to LUBA, and any supplement or amendment thereto, must be prepared in accordance with OAR 661-010-0025(4), as explained above, except that the record must be copied onto a CD-R disc or flash drive, in a suitable PDF **searchable** format, and two (2) identical CDs or flash drives are required to be submitted. OAR 661-010-0025(2)(b).

OVERSIZED EXHIBITS

(CDs and Flash Drives)

If you intend to provide LUBA with CDs or flash drives of media recordings of local hearings or other documentation, please submit a **COPY** only. Please clearly indicate on the CD or flash drive that it is a **COPY**.

Administrative Staff
Land Use Board of Appeals
201 High Street, Suite 600
Salem, OR 97301-1283
(503) 373-1265

NOTICE

OPPORTUNITY FOR MEDIATION

Parties to a LUBA appeal have the option of entering mediation to resolve the appeal. Mediation is a process by which the parties, with the help of a neutral third-party, meet to address some or all of the issues arising from a particular land use decision. The mediation can be as limited or as comprehensive as the parties wish.

ORS 197.830(10)(b) requires that LUBA give you notice that “mediation information or assistance may be obtained from the Department of Land Conservation and Development.” Through an agreement with the Department of Land Conservation and Development, information about mediation or assistance in assessing whether mediation would be appropriate in your case or in initiating the mediation may now be obtained from the Oregon Consensus Program at Portland State University, the state’s public policy dispute resolution program. Please contact the program at (503) 725-9092 or email npccdesk@pdx.edu.

A LUBA appeal will be suspended if all parties to the appeal stipulate to a stay of the appeal to enter into mediation. A sample motion is attached for your reference.

Sample Stipulated Motion for Stay
BEFORE THE LAND USE BOARD OF APPEALS
FOR THE STATE OF OREGON

MARILYN SMITH and CHARLES SMITH,
Petitioners,
vs.
WILLAMETTE COUNTY,
Respondent,
and
COLUMBIA DEVELOPMENT, INC.
Intervenor-Respondent.

LUBA No. 2000-999

STIPULATED MOTION
FOR STAY FOR
MEDIATION

The parties stipulate that this appeal shall be stayed until [*date* or until one of the parties notify LUBA to reactivate the appeal] to allow the parties to enter into mediation.

Marilyn Smith, Petitioner

Charles Smith, Petitioner

John Doe
Attorney for Respondent

Jane Doe
Attorney for Intervenor-Respondent

Dated this _____ day of _____, 2000.

IT IS SO ORDERED:

Dated this _____ day of _____, 2000.

LUBA Board Member



David J. Petersen
david.petersen@tonkon.com
Admitted to Practice in Oregon and California

503.802.2054 direct
503.221.1440 main

August 14, 2025

**VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Land Use Board of Appeals
201 High Street SE, Suite 600
Salem, OR 97301-3398

Re: BestCare Treatment Services, Inc. v. City of Prineville
LUBA Case No. 2025-_____

Dear Sir or Madam:

This law firm represents Petitioner. Enclosed please find an original and (1) copy of a **Notice of Intent to Appeal** on our client's behalf in the above-referenced matter.

Also enclosed is our firm's check in the amount of \$300 to cover the appeal filing fee.

Thank you,

Best regards,

A handwritten signature in blue ink, appearing to read 'David J. Petersen', with a stylized flourish at the end.

David J. Petersen

DJP/rkb
Enclosures

cc (w/enc): Jered Reid, Law Office of Jered Reid LLC
City of Prineville

034478\97204\18696017v1

BEFORE THE LAND USE BOARD OF APPEALS
OF THE STATE OF OREGON

BESTCARE TREATMENTS	)	
SERVICES, INC.,	)	
	)	
Petitioner,	)	
	)	LUBA No. 2025-_____
v.	)	
	)	
CITY OF PRINEVILLE,	)	
	)	
Respondent.	)	

NOTICE OF INTENT TO APPEAL

I.

Notice is hereby given that Petitioner BestCare Treatments Services, Inc. ("BestCare") intends to appeal the final land use decision or limited land use decision of Respondent City of Prineville under Appeal No. App-2025-100, which became final on July 25, 2025 ("Order of Council"). The Order of Council declined to hear BestCare's appeal of the June 23, 2025 decision of the Prineville Planning Commission in City Project No. CU-2025-102 ("PC Order"), thereby making the PC Order the final decision of the City. The PC Order denied BestCare's application for a conditional use permit to build and operate a proposed nine-unit, multi-family housing complex within the City of Prineville in the General Commercial (C2) zone. A copy of the Order of Council and the PC Order are attached hereto as Exhibit 1.

II.

(a) Petitioner has as its contact information: BestCare Treatments Services, Inc., c/o Brian Palomo (telephone 925-214-9774, brianp@bestcaretreatment.org), P.O. Box 1710, Redmond, OR 97756.

(b) Petitioner is represented by David J. Petersen as lead counsel (telephone 503-802-2054, david.petersen@tonkon.com) and Mick Harris (telephone 503-802-5765, mick.harris@tonkon.com), Tonkon Torp LLP, 1300 SW 5th Avenue, Suite 2400, Portland, OR 97201.

III.

(a) Respondent has as its mailing address and phone number: 387 NE 3rd Street, Prineville, OR 97754, telephone 541-447-5627.

(b) Respondent is represented by Jered Reid, The Law Office of Jered Reid (telephone 541-447-3910, jeredreid@gmail.com), 545 NE 7th Street, Prineville, OR 97754.

IV.

According to the Order of Council, no other person other than the applicant was mailed or otherwise sent written notice of the land use decision or limited land use decision by Respondent.

V.

Anyone designated in paragraph IV of this Notice who desires to participate as a party in this case before the Land Use Board of Appeals must file with the Board a Motion to Intervene in this proceeding as required by OAR 661-010-0050.

DATED: August 14, 2025



David J. Petersen, OSB No. 034220
Mick Harris, OSB No. 194984
Tonkon Torp LLP
1300 SW Fifth Avenue, Suite 2400
Portland, OR 97201
503-221-1440

Attorneys for Petitioner

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on August 14, 2025, I filed the original of this **NOTICE OF INTENT TO APPEAL**, together with one true and correct copy, with the Land Use Board of Appeals, 201 High Street SE, Suite 600, Salem, Oregon 97301, by certified mail/return receipt requested.

I also certify that on August 14, 2025, I served a true and correct copy of this Notice of Intent to Appeal by first class mail on the persons listed below:

City of Prineville
387 NE 3rd Street
Prineville, OR 97754

Jered Reid
The Law Office of Jered Reid
545 NE 7th Street
Prineville, OR 97754

DATED: August 14, 2025



David J. Petersen, OSB No. 034220
Tonkon Torp LLP
1300 SW Fifth Avenue, Suite 2400
Portland, OR 97201
503-221-1440

Attorneys for Petitioner

EXHIBIT 1
Order of Council and PC Order

034478\97204\18695609v1



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
NOTICE OF APPEAL COUNCIL DECISION (DECLINE REVIEW)

APPEAL #: App-2025-100

ORIGINAL APPLICATION #: CU-2025-102

APPELANT\OWNER: BestCare Treatments Services, Inc.
P.O. Box 1710
Redmond, OR 97756

APPEAL DECISION DATE: July 22, 2025

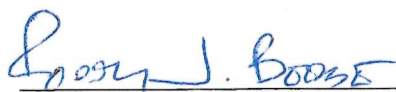
PROJECT REVIEWER: Joshua Smith,
Planning Director

PROCEDURAL HISTORY:

A pre-application meeting was held on March 14, 2024 (PA-2024-100). A meeting summary was sent to the applicant clearly stating that "the application may be denied simply because of the zoning". A conditional use application CU-2025-102 was applied for on May 6, 2025. The public hearing was held on June 17, 2025, and the final decision (Denial) was signed and sent on June 23, 2025. The notice of appeal was received on July 3, 2025. The City Council reviewed the Notice of Appeal on July 22nd, 2025.

DECISION:

The City Council reviewed the notice of appeal, the staff report on the appeal and the materials associated with the application. At the Council meeting on July 22nd, 2025, the City Council voted seven (7) in favor and none opposed to decline review. This decision makes the Planning Commission decision the final decision of the city. This decision becomes final following the mailing of the decision to the appellant on July 25, 2025.



Jason Beebe
Mayor

Date: 7/25/25



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

FINAL DECISION (DENIAL)

APPLICATION DATE: May 6, 2025

HEARING DATE: June 17, 2025

PROJECT NUMBER: CU-2025-102

APPLICANT: Pinnacle Architecture / Mark Rossi
1001 SW Disk Drive, Ste. 105
Bend, OR 97702

OWNER: Bestcare Treatments Services, Inc.
P.O. Box 1710
Redmond, OR 97756

PROJECT REVIEWER: Joshua Smith,
Planning Director

APPLICABLE CRITERIA:

City of Prineville Code of Ordinances, Title XV – Chapter 153 – Including Sections: 153.009, 153.014, 153.020, 153.036, 153.037, 153.051, 153.081 -153.096, 153.135 – 153.138, 153.190 – 153.200, 153.250 - 153.261.

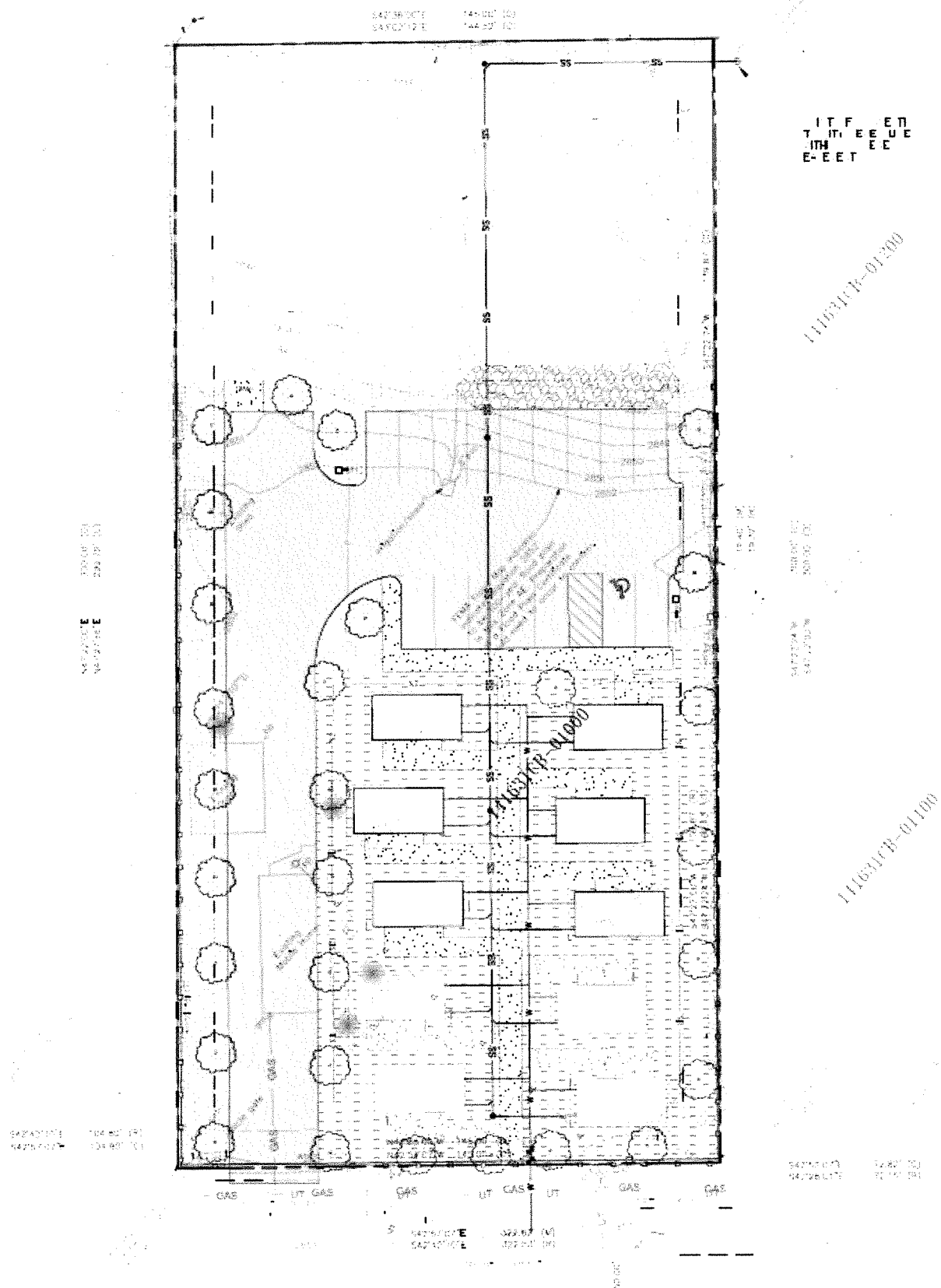
FINDINGS OF FACT:

1. **LOCATION:** 996 NW Madras Highway, Units 1-10; Map & Tax Lot 141631CB01000.
2. **ZONING:** The property is zoned General Commercial (C2) and is designated Outlying Commercial on the Comprehensive Plan map.
3. **LOT OF RECORD:** The property has been determined to be a legal parcel by deed.
4. **SITE DESCRIPTION:** The property is one acre and is currently vacant. It was previously developed with a single-wide manufactured home, that has been removed. The parcel fronts along NW Madras Highway and is relatively flat, except for about a third of the property toward the rear that is in a low-lying floodplain area. The location is flanked by single-family homes, with vacant property to the rear owned by the City. The opposite side of Madras Highway is developed with commercial uses. A 2024 aerial image of the site is shown on the next page.
5. **PROPOSAL:** The applicant is proposing a 9-Unit, Multi-Family housing complex in the General Commercial (C2) Zone to house clients of the BestCare facility across the Hwy. A 10th structure will be used for an office with restrooms and laundry facilities. The plan will include all the associated improvement requirements of the City's multi-family complex code; such as paved access, water, sewer, parking, landscaping and pedestrian improvements. A copy of the applicants proposed site plan appears following the aerial image.

Site location and proximity to Best Care Facility.



Proposed Site plan. Phase 1 is the six rear buildings, including all other site improvements. Phase 2 is the four front buildings.



6. **COMMENTS:** Notice was sent to neighboring property owners beyond the standard 100 feet to account for the area of impact and street rights-of-way. Notice was sent on May 14th, 2025.

Neighbors – At the time this staff report was written the City has not received any written comments. Verbal comments were received from neighboring homeowners in opposition to the development.

Fire – Crook County Fire Department reviewed the proposal, and the Fire Department provided comments requiring the applicant to provide a site plan focusing on any access and water supply requirements found in the Oregon Fire Code.

ODOT – Provided comments about frontage improvements specific to drainage, pedestrian walkway, parking and access.

7. **FINDINGS SUMMARY:** The plans submitted by the applicant are the foundation of this application. This property is currently zoned (C2) General Commercial. A multi-family development is a Type 2 Conditional Use in the C2 zone. Staff does not agree that a very low density, stand-alone multifamily development on vacant Hwy commercial C2 zoning; is compatible with the comprehensive plan or the purpose of the zone. Staff believes this project is better suited within the existing BestCare facility on opposite side of the Hwy.

If approved the development will be assessed system development charges (SDC) for water, sewer, traffic and parks. The applicant's proposal is meeting all dimensional standards including setbacks, lot coverage, height, landscaping and parking. As a multi-family development, the proposed design is unique, but adequate to meet the intent of the City's design review code. Open space and landscape areas are proposed around the property and along the street to provide screening and an attractive look and feel to the site. The applicant shall connect the buildings to City water and sewer and other utilities. All utilities shall be placed underground. The applicant shall adhere to all standard fire life safety requirements, including hydrants and marked fire lanes. All access, maneuvering and parking areas shall be paved in accordance with City standards and all stormwater drainage shall be maintained on site. Clear vision areas shall be maintained at all times and floodplain standards shall be adhered to.

8. **HEARING SUMMARY:**

Staff: The Planning Director gave a presentation describing what the application is for and how it will be used. The Director explained that as a multi-family development the project would meet the clear and objective standards for approval, however; the Director did not find that the project was compatible with the comprehensive plan or the purpose of the C2 zone. The Director stated that the project would be better suited within the existing treatment facility and recommended the application be denied based on the findings stated in the staff report. At the end of the public hearing and during commission deliberations the Director clarified that the decision needs to be based on the land use request for multi-family housing in a commercial zone and not on who may use the housing. If the housing were part of the treatment facility the conversation and application would be different.

Applicant: The applicant's representative (Lani Hickey) began by stating this type of application is allowed by the comprehensive plan if approved through a Type II conditional use process. Lani mentioned that there was a lot of residential in the area, the housing project would be well kept and was close to the treatment facility.

Rick Treleaven (BestCare CEO) submitted a letter into the record that provided context on who would be using the housing and why. Rick stated that placing the housing within the existing leased facility was discussed; however, the state funding for this project would not allow the housing on land they did not own. Rick clarified that the property was purchased with state funds and if the project did not move forward the property would need to be sold and money returned to the State.

Throughout the applicant's initial presentation and through the rebuttal the applicant continued to express the need for the housing and assurance that the project would be managed well, based on other facilities that they manage. They stated that an on-site manager is not proposed, but could be provided. The applicant also stated that this is not a homeless shelter and the intent is to transition people to other permanent housing when treatment is complete.

Public: Ten members of the public spoke in opposition, with none in favor or neutral on the proposal. The opposition was almost entirely about safety, regarding the proposed inhabitants of the housing units. The citizens spoke about numerous issues they have had with the clientele of the BestCare facility and the men's homeless shelter. They expressed serious concern over the mental stability of these individuals and their personal safety and safety of their families. Many expressed that they understood the need, but felt it should go elsewhere and not be concentrated in this area.

Commission Deliberations: During the public hearing the Commission asked the applicant several questions. Many of the questions revolved around site management, such as how other sites are managed, whether there would be an on-site manager, how food is provided and whether residents are required to be off drugs and alcohol. There was some discussion about foot traffic, access across the highway to the treatment facility, end of life for the project and whether it was possible for the treatment facility to move negating the convenience of having the housing nearby.

After the hearing was closed the Commission had a short deliberation. One commissioner stated they understood the need for the housing but preferred to see it on the site of the treatment facility. Another commissioner felt it was not prudent to put more residential near the floodplain or adjacent to the highway. Two others expressed the need to focus on the issue of residential in a commercial zone and not who would be using the property.

Decision: Priscilla Smith made a motion in opposition to the application based on the findings stated in the staff report. Erika Montgomery seconded the motion, and the motion passed with a roll call vote of 5 in favor and none opposed.

DECISION

Application **CU-2025-102** for a nine (9) unit multi-family development in the C2 zone is hereby **DENIED**. This denial is based on the findings stated in the staff report and more specifically set forth below:

FINDINGS FOR DENIAL:

1. The application is not compatible with the Comprehensive Plan due to inefficient use of commercially zoned land for single use, low density residential purposes.
2. The application is not compatible with the purpose of the C2 zone. The C2 zone provides for commercial uses more desirable outside the downtown and more dependent on high traffic volumes. It also allows some types of heavy commercial and light industrial uses that are not compatible with residential uses.

THIS DECISION BECOMES FINAL AT 5:00 P.M. July 5th, 2025 TWELVE (12) DAYS FOLLOWING THE MAILING OF THIS DECISION ON June 23rd, 2025 UNLESS APPEALED TO THE CITY COUNCIL BY A PARTY OF INTEREST. A WRITTEN APPEAL ADDRESSING THE CRITERIA MUST BE SUBMITTED TOGETHER WITH THE APPEAL FEE TO THE CITY OF PRINEVILLE PLANNING DEPARTMENT LOCATED AT 387 NE 3RD ST. PRINEVILLE, OR 97754.

Marty Bailey:


Planning Commission Chair

Date:





City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
NOTICE OF APPEAL COUNCIL DECISION (DECLINE REVIEW)

APPEAL #: App-2025-100

ORIGINAL APPLICATION #: CU-2025-102

APPELANT\OWNER: BestCare Treatments Services, Inc.
P.O. Box 1710
Redmond, OR 97756

APPEAL DECISION DATE: July 22, 2025

PROJECT REVIEWER: Joshua Smith,
Planning Director

PROCEDURAL HISTORY:

A pre-application meeting was held on March 14, 2024 (PA-2024-100). A meeting summary was sent to the applicant clearly stating that "the application may be denied simply because of the zoning". A conditional use application CU-2025-102 was applied for on May 6, 2025. The public hearing was held on June 17, 2025, and the final decision (Denial) was signed and sent on June 23, 2025. The notice of appeal was received on July 3, 2025. The City Council reviewed the Notice or Appeal on July 22nd, 2025.

DECISION:

The City Council reviewed the notice of appeal, the staff report on the appeal and the and the materials associated with the application. At the Council meeting on July 22nd, 2025, the City Council voted seven (7) in favor and none opposed to decline review. This decision makes the Planning Commission decision the final decision of the city. This decision becomes final following the mailing of the decision to the appellant on July 25, 2025.

Jason Beebe
Mayor

Date: 7/25/25



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

NOTICE OF APPEAL STAFF REPORT

APPEAL #: App-2025-100

ORIGINAL APPLICATION #: CU-2025-102

APPELANT\OWNER: BestCare Treatments Services, Inc.
P.O. Box 1710
Redmond, OR 97756

APPEAL HEARING DATE: July 22, 2025

PROJECT REVIEWER: Joshua Smith,
Planning Director

PROCEDURAL HISTORY:

A pre-application meeting was held on March 14, 2024 (PA-2024-100). A meeting summary was sent to the applicant clearly stating that “the application may be denied simply because of the zoning”. A conditional use application CU-2025-102 was applied for on May 6, 2025. The public hearing was held on June 17, 2025, and the final decision (Denial) was signed and sent on June 23, 2025. The notice of appeal was received on July 3, 2025.

ISSUE SUMMARY:

BestCare’s conditional use application for a housing project in the General Commercial (C2) zone was denied by the Planning Commission at their June 17, 2025, hearing. The denial was based on incompatibility with the Comprehensive Plan and purpose of the C2 zone. This is primarily discussed in Findings 2 and 3 of the staff report. The applicant is arguing that specific Oregon Revised Statutes (ORS), and the lack of substantial evidence that the proposal is incompatible with the Comprehensive Plan and C2 zone precludes the City from denying the application.

Appellant Issue #1:

The Planning Commission erred by failing to apply clear and objective standards to the application as required under ORS 197A.400 and ORS 227.175(4)(b)(A).

Planning Department’s Position:

The clear and objective standards of ORS 197A.400 and 227.175(4)(b)(a) do not apply to conditional uses in a commercial zone, provided there is a clear and objective path for residential development that is outright permitted. This is expressed in ORS 197A.400(3). The City does provide a clear and objective path for residential development for above ground floor commercial. A multi-family development in the C2 zone is a conditional use and therefore a discretionary approval under 197A.400(3). The fact that this application could be denied based on the zoning alone was stated many times to the applicant, including at the pre-application meeting. If clear and objective standards were also applied to conditional uses, it would have the effect of eliminating any commercial zoning that allows residential in any way. Those zones would essentially become residential zones with the possibility of commercial.

Appellant Issue #2:

The Planning Commission erred by failing to apply ORS 197A.445 and 197A.460 to the application.

Planning Department's Position:

The Planning Commission did apply ORS 197A.445 and 197A.460 to the application. It is clearly stated in Finding 2 of the staff report.

197A.445 does not apply due to the following:

- Section (2)(a) - BestCare is not an affordable housing developer that meets the ownership requirements.
- Section (4)(c)(C) - A portion of the property is within the 100-year floodplain.
- Section (5)(b) - The C2 zone does allow for some light industrial uses, but it is not publicly owned or adjacent to a residential zone or school.

197A.460 does not apply due to the following:

- Section (1) - The C2 zone does allow some industrial uses.
- Section (3)(b)(C) - A portion of the property is within the 100-year floodplain.
- Section (3)(c) - The property is vacant.

Appellant Issue #3:

The Planning Commission erred by concluding that the application is not compatible with the Comprehensive Plan.

Planning Department's Position:

ORS 227.175(4)(a) clearly states "a city may not approve an application unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions". The city's land use code also clearly states this in criteria section 153.014. Within the staff report, Finding 2 provides the applicable policies.

As stated in Issue #1, this housing application is a conditional use in a commercial zone where a clear and objective path exists for residential development. Therefore, the city is not compelled by state law to approve the application or apply clear and objective standards. The city's comprehensive plan and zoning ordinance only provides an opportunity for this type of residential development to be approved in a commercial zone, not a guarantee. It clearly states in City code 153.135 those conditional uses "may" be permitted. The word "may" provides for discretionary authority.

Comprehensive Plans set forth policies that guide land use implementing ordinances. In this case two (2) policies were cited in the staff report that direct the process for developing residential uses in a commercial zone. Chapter 2, commercial policy 11; is the policy that directs the "clear and objective" process of building residential above ground floor commercial. Chapter 7 (Housing), policy 14 provides the policy that directs the "discretionary" or conditional use process of building residential in commercial zoning.

Appellant Issue #4:

The Planning Commission erred by concluding that the Application is incompatible with the purpose of the City's C2 zone.

Planning Department's Position:

The applicant is arguing that because the use is allowed, even as a conditional use, it must be compatible with the zone. They are also arguing that this violates the goal post rule, ORS 227.178(3)(a). We disagree with both arguments. The reason a use is listed as "conditional" is because it may not be compatible with other uses in the zone that are listed as outright uses. The purpose of a conditional use application is to determine whether a use is compatible or not and whether those issues can be mitigated. The purpose of the C2 zone is clear and should be preserved for commercial use particularly along the highway. The goal post rule was not violated as the applicant understood the decision on this application was purely discretionary.

Applicant:

- ☐ Is requesting a hearing on the appeal.
- ☐ The type of appeal was not specified.

City Council options:

- ☐ Hearing De Novo (from the beginning)
- ☐ Hearing De Novo limited to specific items
- ☐ Hearing On the record (no new testimony, but written comments on the record)
- ☐ Decline hearing uphold PC decision

Staff Recommendation:

- ☐ Decline hearing and uphold PC decision.
 - Applicant has option to appeal to Land Use Board of Appeals (LUBA).

Written by:


Joshua Smith
Planning Director

FOR OFFICE USE ONLY

Appeal #- APP-2025-100

Date Received 7/3/25



**CITY OF PRINEVILLE
APPEAL APPLICATION FORM**

DATE SUBMITTED: July 3, 2025 FEE: \$2,645.00

APPELLANT: Bestcare Treatments Services, Inc. PHONE: (925) 214-9774

MAILING ADDRESS: PO BOX 1710 CITY: Redmond ST: OR ZIP: 97754

LAND USE APPLICATION BEING APPEALED: CU-2025-102

PROPERTY DESCRIPTION: T 14 R 16 S 31CB TAX LOT: 1000

APPELLANT'S SIGNATURE *Ben Palmer* DATE: July 3, 2025

IT IS THE RESPONSIBILITY OF THE APPLICANT (APPELLANT) TO COMPLETE A NOTICE OF APPEALS SET FORTH IN CHAPTER 153.258 OF THE CITY CODE, "APPEALS."

EVERY NOTICE OF APPEAL SHALL INCLUDE:

- A. A statement raising any issue relied upon for appeal with sufficient specificity to afford the Hearings Body an adequate opportunity to respond to and resolve each issue in dispute.
- B. If the City Council is the Hearings Body, a request for review by the Council stating the reasons why the Council should review the lower Hearings Body's decision.
- C. If the City Council is the Hearings Body and de novo review is desired, a request for de novo review by the Council stating the reasons why the Council should provide de novo review as provided in 153.258.060.

The Notice of Appeal must include the items listed above. Failure to complete all of the above may render an appeal invalid. Any additional comments should be included on the Notice of Appeal.

EXCEPT AS PROVIDED IN SECTION 153.258.040, APPELLANTS SHALL PROVIDE A COMPLETE TRANSCRIPT OF ANY HEARING APPEALED FROM, FROM AUDIO RECORDED BY THE PLANNING DEPARTMENT UPON REQUEST. APPELLANTS SHALL SUBMIT TO THE PLANNING DEPARTMENT THE TRANSCRIPT NO LATER THAN THE CLOSE OF THE DAY 5 DAYS PRIOR TO THE DATE SET FOR THE DE NOVO HEARING OR, IN ON-THE-RECORD APPEALS, THE DATE SET FOR RECEIPT OF WRITTEN RECORDS.

July 3, 2025

VIA E-MAIL AND HAND DELIVERED

Prineville City Council
387 NE 3rd Street
Prineville, OR 97754

Re: 996 NW Madras Highway – (CU-2025-102)

Dear Councilors:

This law firm represents the owner of the above property, Bestcare Treatments Services, Inc. (“Appellant”), with respect to the above-referenced land use matter. On June 23, 2025 the Prineville Planning Commission (the “Planning Commission”) issued an order denying the above-referenced application. The Appellant appeals that order pursuant to Section 153.258 of the Prineville Zoning, Subdivision, Partitioning and Land Development Ordinance (“PZO”). This notice of appeal constitutes Appellant’s statement of the grounds for appeal necessary to meet the sufficient specificity requirement of PZO 153.258.030(A). Pursuant to PZO 153.258.090(A) and (E)(4), Appellant intends to submit further written argument in support of the appeal prior to a hearing on the appeal. The City’s appeal form is enclosed and Appellant will deliver the appeal fee in person along with a hard copy of this notice.

The grounds for this appeal are straightforward. The City Council should review the order because the Planning Commission erred by (1) failing to apply clear and objective standards to the application as required under ORS 197A.400 and ORS 227.175(4)(b)(A); (2) failing to abide by the requirements of ORS 197A.445 and ORS 197A.460 for affordable housing; (3) concluding without substantial evidence that the application was incompatible with the City’s Comprehensive Plan (“Plan”) and without identifying applicable approval criteria from the Plan; and (4) concluding without substantial evidence the application is incompatible with the purpose of the City’s C2 zone.

1. The Planning Commission erred by failing to apply clear and objective standards to the application as required under ORS 197A.400 and ORS 227.175(4)(b)(A).

ORS 197A.400 and ORS 227.175(4)(b)(A) require a local government to apply only “clear and objective standards, conditions and procedures” when regulating the development of housing. Clear and objective standards must have “objective

benchmarks” for measuring compliance. *Warren v. Washington County*, 78 Or LUBA 375, 388-89, *aff’d* 439 P3d 581 (2019). Conversely, standards that require a “subjective analysis ... to determine [their] meaning violate the statutes.” *Legacy Dev. Grp. Inc. v City of The Dalles*, __ Or LUBA __ (LUBA No. 2020-099, slip op at 12) (2021). The City did not purport to apply any clear and objective standards to the application, and the Planning Commission’s sole basis for denial – that the proposal would result in “inefficient use of commercially zoned land for single use, low density residential purposes” -- is neither clear, nor objective. The Planning Commission order therefore fails to comply with ORS 197A.400 and ORS 227.175(4)(b)(A).

Furthermore, to the extent the PZO does not provide clear and objective standards in compliance with ORS 197A.400 and ORS 227.175(4)(b)(A), the PZO is not in compliance with state law.

2. The Planning Commission erred by failing to apply ORS 197A.445 and 197A.460 to the application.

Appellant’s application is for the development of affordable housing subject to ORS 197A.445 and 197A.460, which provide added protection to affordable housing developments in commercial zones. The Planning Commission erred by concluding that the project did not constitute affordable housing, and therefore also erred by failing to abide by those statutes. Upon proper application of ORS 197A.445 and 197A.460, approval of the project is required.

3. The Planning Commission erred by concluding that the application is not compatible with the Comprehensive Plan.

In a quasi-judicial land use matter such as this, the decision maker is not required to evaluate comprehensive plan policies that are not approval criteria. *Ellison v. Clackamas County*, 28 Or LUBA 521, 525 (1995). While comprehensive plan policies can sometimes be approval criteria for land use decisions (ORS 197.015(10)(a)(A)(ii)), the decision maker must evaluate the plain language of the policy alleged to apply and determine whether it was intended to serve as an approval criterion. *See., e.g., Stewart v. City of Brookings*, 31 Or LUBA 325, 328 (1997) . Broadly-worded policies that set policy direction to develop legislation, or that set aspirational goals, are not approval criteria. *Angel v. City of Portland*, 21 Or LUBA 1, 13-14 (1991); *Bennett v. Dallas*, 96 Or App 645, 647-49 (1989).

In the order, the Planning Commission failed to cite to any specific Plan policies or to explain how those policies constituted approval criteria that were not met. Instead, the Planning Commission merely concluded that the proposed use was “not

compatible with the Comprehensive Plan due to inefficient use of commercially zoned land for single use, low density residential purposes.” This vague conclusion is not based on any substantial evidence in the record nor does the Commission cite any.

Moreover, while the order stated that the denial was based on findings in the staff report, that staff report was similarly vague. Regarding this issue, the staff report stated as follows:

The City’s comprehensive plan does not specifically allow residential development in commercial zones. The City’s Comprehensive Plan speaks to providing residential uses in commercial zones under specific circumstances. Chapter 2, commercial policy 11; encourages the use of upper stories for housing development and utilizing land efficiently. This would promote the idea of providing housing on the vacant lot within the existing BestCare Facility. Chapter 7 (Housing), policy 14; provides opportunities for alternative land use permitting procedures for housing. This alternative is the type 2 conditional use process. This process provides an opportunity in unique circumstances, but not a guarantee. Residential proposals do not meet the purpose of the C2 zone, particularly when they remove viable Hwy commercial property from the City inventory. There is no local or state requirement for the City to approve this application based on housing need. It may be denied simply because it is in a commercial zone.

Reliance on this analysis of the Plan to deny the application constitutes error because neither the order nor the staff report explain how these Plan provisions constitute approval criteria for this application as required, and because the staff report findings misinterpret both the cited Plan policies and applicable law and also include statements that are both incomplete and irrelevant to the application. As such, they cannot properly be the basis to deny the application and the Planning Commission’s decision to deny the application based on incompatibility with the Plan is in error.

4. The Planning Commission erred by concluding that the Application is incompatible with the purpose of the City’s C2 zone.

The Planning Commission order states that “the C2 zone provides for commercial uses more desirable outside the downtown and more dependent on high traffic volumes” and that the C2 zone “allows some types of heavy commercial and light industrial uses that are not compatible with residential uses,” And as a result the proposal was not compatible with the purpose of the C2 zone.

This conclusion is also not supported by citation to substantial evidence in the record. Further, the Planning Commission erred by relying solely on the statement of the purpose of the C2 zone in PZO 153.041(A). In doing so, the Planning Commission ignores the fact that the City Council has already made policy decisions that: (1) this property is zoned C2, and (2) multifamily housing is a conditionally allowed use in the C2 zone notwithstanding the other commercial and light industrial uses also allowed in the C2 zone. By definition, an allowed use in the zone cannot be incompatible with the zone if the applicable criteria are met. The Planning Commission made no attempt to evaluate those approval criteria, instead simply concluding that this site is inappropriate for residential use. That decision effectively overrules the City Council's own zoning decisions and violates the goal post rule (ORS 227.178(3)(a)) and therefore cannot stand.

For the foregoing reasons, and as Appellant will expand upon in its further written argument, the Planning Commission's decision should be reversed and the appeal should be upheld. Please submit this letter into the record of this appeal. Thank you for your consideration.

Best regards,

A handwritten signature in blue ink, appearing to read "M. Harris", with a long horizontal flourish extending to the right.

Mick Harris

cc (via e-mail):

David Petersen (david.petersen@tonkon.com)

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NAME

Planning Commission Meeting 06-17-25.wav

DATE

July 2, 2025

DURATION

2h 13m 25s

24 SPEAKERS

Speaker1
Speaker2
Speaker3
Speaker4
Speaker5
Speaker6
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Speaker24

START OF TRANSCRIPT

[00:00:00] Speaker1

Okay, call this meeting to order and Josh will read the opening comments.

[00:00:07] Speaker2

Okay. Thank you. Marty. I got to go through the meeting procedures kind of legal rigmarole we do at the beginning of your meeting. So Marty called the meeting to order the meeting of June 17th, 2025. I'm the planning director for the city of Prineville. The commission's job is to conduct public hearings for the purpose of making land use decisions and recommendations. According to the ordinance and law of the City of Prineville and State of Oregon. Commission may not vary from the adopted laws and ordinances. If a law and ordinance is considered unfair unworkable, there is a process to amend the ordinance. All city land use ordinances must meet the minimum standards of the enabling state statutes. Administrative rules. All applications being heard tonight are being weighed against the laws and ordinances in effect at the time the application was filed. Copy of the procedure. Tonight's agenda and staff reports from the back of the room. I think there's one left. It looks like. So everybody grab some. All those in attendance are pleased. Asked to sign the attendance sheet that should be back there in the clipboard and a pen. Briefly. Each item will begin with the planning staff report and additional comments. Since the staff report was written, all staff reports are available seven days prior to the hearing and are automatically incorporated into the record after staff comments. Other city, state, federal agencies will present. I don't believe we have any tonight. The applicant and those in support of the application will speak first, followed by the opposition and those in neutral or just have questions will come last.

[00:01:38] Speaker2

The application is given final. The applicant is given final rebuttal, at which time the public hearing may be closed by the Planning Commission chair. Followed by Planning Commission discussion and action. Testimony from all concerned shall address the applicable law or criteria. There were referencing failure to provide testimony at this hearing, or address an issue with sufficient detail to afford the hearings body and other parties an opportunity to respond will preclude a person for participating in an appeal to the City Council or Land Use Board of Appeals after that, failure of the applicant to raise any constitutional or other issue related to conditions of approval, with sufficient detail to allow the hearings body to respond, will preclude the applicant from pursuing action or damages associated with those conditions in circuit court. When testifying, please approach the front of the room, which actually should say the podium, and state your name and address. If you represent someone else, please state who you are representing at this time. Are there any conflicts of interest from the Planning Commission members? Anything that needs to be noted. Any ex-parte contact with the applicant or members of the public. No no no no. Noted. Any members of the audience wish to challenge any commission of any item on the agenda. If so, please approach the podium and state the bias. You're going to challenge. No no no. Not yet. Not yet. Are you challenging a commissioner? I'm not challenging. Okay. Not yet. Oh, you're you're you're excited.

[00:03:13] Speaker3

I'm concerned about Ron. I'm here. No, he's not okay.

[00:03:18] Speaker2

Duly noted. All right. At that time. Okay. Public hearing. So, Marty, I'll turn it back over to you.

[00:03:25] Speaker1

Okay. Well, we've called the meeting to order. The first item we have here is public hearing on the Q 2020 5-102 for a nine unit multifamily complex and a C2 zone for best care staff.

[00:03:46] Speaker2

Good evening again for the record, planning director, City of Prineville, Joshua Smith. I'm going to give a brief presentation of the application. It's basically kind of an abbreviated. Staff report. And then we'll have any questions from the commission first, then the public and then the applicant and the public can have their comments. So the proposal you have tonight as Chair Bailey just mentioned, it's a nine unit multifamily complex to house patients with the best care treatment facility. So the way that works is it's kind of an oddity in that it's a it's housing for a treatment facility that's not connected to the same property. So when you look at it on a standalone, it's it's multifamily. That's why it's being applied for as a multifamily house housing project. Applicable criteria. There's a whole string of numbers there. Those are basically all the the land use codes through our chapter 153. We also have comprehensive plan chapter policies and the natural features overlay. It hits because there's some floodplain on the property as well. Zoning, as mentioned was C-2 Commercial Zone. It's also outlined commercial on the comp plan. So there's no kind of residential tie to this property at all. A notice was sent mailed to neighboring properties on May 14th, and newspaper notice was sent out on June 3rd. So this is the location that we're talking about. The site is over here, outlined in orange. This is a 2024 picture of summer, and you can see the best care facility over here at the lease sites where the Old Brothers Restaurant used to be.

[00:05:23] Speaker2

And the pizzeria in the back. So these that's how you can look and orient to where you are. Madras Highway coming down the middle. And for this is Studebaker drive that goes back into some of those residential areas which are also zoned commercial but are entirely residential. Zoning. As I mentioned, you can see the green that's all C2 zone, all outlined commercial. So it's not like this is at the edge of a zoning district. It's right smack in the middle and has highway frontage. Sight description. So zooming in. These buildings are all gone. It was a single wide trailer, kind of with this cover over the top. So it was just a single family home at the time. It has been for a long, long time. Those structures are all gone. Rv is gone. It's just a vacant lot right now. You can see the floodplain over here is in the back. This development wouldn't really touch the floodplain. I think the parking lot just gets a little bit into it. Some drainage areas. Otherwise the structures would be completely out of the floodplain. Basic site plan. Pretty standard stuff. Access, parking, open space, drainage. You've got landscaping, you've got buffering all around fencing. The initial phase would be these first six buildings, one of which is laundry facility. It's not a house. It's a more of a Common building for everyone to use. The other second phase would be the four buildings up front.

[00:06:54] Speaker2

So this is turned matter's highway obviously is right here. So that's kind of the progression that we're looking at doing. First phase. Second phase. It's very low density type or multifamily. These are single units versus a large building with multiple units. So it's kind of just not utilizing a whole lot of space. Dimensional standards. So as when you're just looking at it's purely as a multifamily development. So very low density like I mentioned. I mean, you could technically put 24 units on this site if you went up. They're proposing nine lot coverage is minimal, 6%, 7% landscaping meets the criteria is open space is kind of in that back area with individual space for each unit. They needed 15 parking spaces. They had 15 setbacks and their height. These are fairly small units, just about 15ft tall, like a normal house. Single story. So as far as dimensional standards go, they kind of meet that criteria for multifamily. These are the buildings. They're very small. These are like basically studio apartments. You can imagine these being in one big building versus so they're just basically separating them into single units and placing them on the ground. So they have individual access points, sidewalks and the whole thing. Very small single like studio. If you looked in your packet, you can see the layout of each one. Public comments. So I didn't receive any written comments. Before the, before this meeting. But I did receive a lot of verbal opposition.

[00:08:34] Speaker2

So I knew the audience was going to be here. And so that's I'm sure we're going to have some testimony to that nature. I did get comments from the fire department and Odor fire was mostly saying, essentially, I need to have a fire approved plan, so they sign off before they build anything. And Odor was mostly talking about the frontage and how that's the access and how the sidewalk and there's no sidewalk, there's an off street path, parking and things like that would work off the front. So Odor generally manages that separately from the city. General findings. So like I said, as a multifamily development, if this was in a residential zone somewhere on another piece of property, as a somebody wanted to propose just multifamily, it would likely fly through, no problem. As a residential development, being in the C-2 zone, it's it's commercial. So it needs to meet that commercial purpose. And when you go through the purpose of the commercial zone, a multifamily really doesn't meet that purpose. C2 zone is for high volume traffic. It's for heavier uses. Some light industrial uses are allowed. It's one of the reasons I've actually talked about the Studebaker area kind of changing that zone. We've talked about that before because they're sitting in this commercial zone that could allow some pretty heavy uses next to single families. So, you know, outside storage, traveler oriented, this project within their application actually said it would restrict that property for up to 20 years.

[00:10:11] Speaker2

The applicant can speak to that, but that would tie up a piece of highway commercial property for 20 years for housing that I don't know how that would really work. So it's just another reason. I didn't find as staff reviewing this that it met the purpose of the C2 zone. Then you move to the comprehensive plan. So the comp plan has all these policies and you kind of go through and you see, okay, do we have a policy in here that allows residential and commercial or allows for that purpose. I only found two sections in the chapter two. We have a commercial policy that encourages. Commercial above or residential above. Commercial ground floor. Typical in the downtown. We've done it a few times in other outlying areas, but kind of combining that commercial and residential is is somewhat encouraged to utilize the land more efficiently. This doesn't do that. And then in chapter seven, the housing policy it's just a very broadly interprets kind of opportunities for alternative ways to provide housing. This hearing, the ability to even have this hearing for a multifamily development, is that alternative purpose. An example of one we've done in the past, I think probably one of the only ones we've done in the past where we put housing in the commercial zone was the conversion of the Ochoco School. That was a very unique circumstance where the school was kind of a problem for that property.

[00:11:45] Speaker2

Commercial industry really didn't want to take on that challenge. And Housing Works came in and converted it. We also kept preschool. They added a preschool. They added Heart of Oregon. The gym is still used for commercial purposes for Parks and Rec. They dedicated some parks, so there was still some commercial component to it when that went through. And that's one of the only ones I remember ever, ever actually converting. I don't think we've ever done a standalone multifamily development in commercial zoning, at least in my tenure. So at the end of the day, from staff's perspective, I think and this I'm going to go through this kind of my thought process is that this would be better suited on the existing facility that they own, or they don't own their leasing, and that the application should be denied based on the findings stated in the staff report. I just don't think our code Allows this to be compatible with it. If something's not compatible with the comprehensive plan. You have to deny it. It's not unless you guys find differently. That was my recommendation. And when I'm talking about existing facility, this is what I mean. I understand this type of housing is. There is a need for this. You can't deny that. They have to have someplace to have people housed for this purpose. I realize this is a leased site, so there's probably some challenges with that. There's a lot of parking that goes unused. There is this property here on the side that is also owned by the same people that they're leasing from.

[00:13:16] Speaker2

It's actually that yellow box is bigger than the area they're looking to use on the other site. So this would be something I would look for and actually would support if they wanted to do something on their facility so they could manage the people that they're actually planning on housing. I think it sounded like from their application, this isn't There were more. There's more acute type mental illness that they were putting in these these housing. And this isn't just your average person with a DUI that's looking for, you know, alcohol rehab for the AA meetings. So it sounded a little more complicated than that. I also feel like maybe if this is a really that important or an issue that needs to be discussed, we should probably get our city council, our planning, our county board of commissioners, and really think about the problem and how we can solve those issues. And if there's a better site that we can locate these things and maybe work together a little more collaboratively on on how this can happen. A lot of this is coming from state park, state grants, OHA, and they're kind of pushing the money out and and seeing where people put it versus kind of that comprehensive look. And I think it'd be worth that conversation with best Care. And with that, do I have any questions from the commission?

[00:14:36] Speaker4

So you mentioned the county? Yes. Is this property that you have outlined in yellow there as that county?

[00:14:43] Speaker2

No. So this is all private. This is owned by a. It's an LLC out of Redmond.

[00:14:48] Speaker4

No, I didn't mean that. Is it located in the county?

[00:14:50] Speaker2

No, no, this is all city. This is this is this is the facility that I mentioned earlier right here.

[00:14:57] Speaker4

Right? Yeah.

[00:14:58] Speaker2

Yeah. So that's the site. I mean, there's there's a lot of asphalt there too. What I notice about this one, this is a raw site where this site already has access, parking, water, sewer power. It has everything there. They wouldn't have to do permanent housing. You could do something temporarily. Have the units put in there, fenced off. It could. It could work. I don't know the restrictions or, you know, their business or how they would operate like that. It just felt like that might be a an option that they could pursue. If this one doesn't pan out for them. So.

[00:15:29] Speaker5

You click it back on the the zoning map. So when we because we've looked at this lots of times like you said, we've talked about that. There's a lot of residential in it already. So. So what is the downside to another residential in this spot that's already surrounded by all the other residential?

[00:15:48] Speaker2

I think the biggest issue is the highway frontage and that highway commercial. That is where you'd see this is where you'd want that heavy traffic volume, where you want that those commercial uses that want the signs and the and the that highway visibility. Whereas you wouldn't want an auto shop back here in this off Studebaker. That's the difference. And that's why we've discussed kind of looking at some of these homes back in Studebaker and, and utilizing our, our low density, our three zone saying, hey, let's maybe this is an area to change. I've discussed it with a few people in that neighborhood and we just haven't got to it. But that that would be the reason. This is a local residential street you don't want. It's a dead end. You don't want a lot of traffic down there, whereas the highway is built for that purpose. And once you lose your highway commercial, you're not creating more highways for that purpose.

[00:16:42] Speaker1

Wasn't it residential before becoming commercial Studebaker?

[00:16:48] Speaker2

Yeah. No. As far as I know. I mean, maybe way back when it could have been back in the 70s, like back in the 70s or something. 98, I think was the was the big kind of zoning change back in that day. 92, 98. I don't know if that was this one, but I've always known it to be commercial.

[00:17:14] Speaker4

But there is residential on the highway there.

[00:17:18] Speaker2

Oh, yeah, it's all old residential. I mean, it's been slowly converting over time and I expect it to. But like. Yeah, you have a manufactured home park, single family, single family, single family. But you know, you want businesses like tight woods on the corner there. You want that commercial use that can utilize that corner. And we don't have a lot of that left. You know, we're losing a lot of it on the East side. So we're going to have to have some of that commercial and you're not creating more highways, like I said. So that's kind of the that's why this is zoned C2 and not commercial. Commercial. I mean, sorry, residential. Residential does continue down here where we did the apartments. You know, there's a pocket of residential in there. Even in the this is in the county right here. That's commercial in the county, but it's obviously it's residences right now, but they'll convert over time.

[00:18:12] Speaker5

This this paper says this, this property was already purchased. And then it talks about the 20 year restriction. Does that applicable now like it's locked up for 20 years because they own it or.

[00:18:25] Speaker2

No I think it has to do with their OHA grant. So if they get a grant to do the project, I think then the covenants come in and and the applicants can speak to that. But I think that's how that would work. So the state doesn't want you to build something and then turn it around and sell it. You know, there has to be some level of consistency if they're going to spend the money on it. Which makes sense, I guess. But it's not, you know. Is that something we want to lock up for 20 years? Is there an out clause? I don't know if best care is no longer operating here. Does that go away? And who owns it then? I don't know. Does it just become a rentable site? And then how does that look? Because now there's no one managing it very well. I don't know.

[00:19:12] Speaker5

That's my biggest question that I had. So.

[00:19:14] Speaker2

Yeah. Anything else before we turn it to the applicant?

[00:19:22] Speaker1

Any other questions? I don't know. Okay. Thank you. Staff. Okay. Any other city, county, state or federal representatives to comment. I noted okay applicant.

[00:19:41] Speaker6

Good evening everybody. I'm Lanhee and I'm with I'm learning with Brian Frost group in Klamath Falls, Oregon. Address P.O. box 909. Like I said, Klamath Falls, Oregon 97601. And I'll just speak briefly because I'm certain that you have some representatives there from Best Care Ryan and maybe some others. There's just a couple comments that I would like to make. With this location and and, Josh, thank you very much. You did a very nice job on the overview, and your slides were very nice. Thank you for that. I appreciate that. Sure. There's just the one comment that I, I do want to just touch upon pine is is the comp plan and the land development code and yes I know Josh stated that it wasn't in compliance or alliance with the comp plan. However, that is why you have a land development code that allows you alternatives for development on different zones with different types of development. So in your the Prineville comp plan does does address multifamily housing within C-2 with a T2 procedural process, which is what we are doing right now with the hearing. And so although it may, you know, it just kind of seems like even though you might talk about the comp plan and it doesn't coincide with the comp plan, however, there are alternatives.

[00:21:21] Speaker6

I just wanted to bring that up because that is important for this site. And then as I was listening, there were a few that did mention there is a lot of residential in this area, and it is a small site. It's a one acre site. One is about and the proposal with the with the nine units for housing and the the landscaping and the fencing it will be kept very nice and it will actually look very nice. And it's very close to the facility that they have now, which is another plus. I know it's on the other side of the highway. However, it is very close for all kinds of treatment. Care. What what best care facility offers? With that, I believe that, Brian, I'm going to turn it over to you, Brian, because I can't see I can't really see who's there. So I'm going to let you have the microphone now, Brian, if you don't mind.

[00:22:29] Speaker7

Well, I will jump in. I'm not Brian. My name is Rick Levin, and I'm the community mental health director for Crook County and the CEO of Best Care Treatment Services. And I provided a letter to to the commission. So thank you for consideration of the conditional use permit at this site. So there's some important contacts I'd like to put in for the grant. It's not technical, but it gives you some context of what we're trying to do. So our target population that we're trying to serve with these nine units, our current Crook County residents who have severe and persistent mental illnesses and have become involved in criminal justice or civil commitment services due to nuisance crimes. These are not seriously criminal people, but they're out on the street and they come in contact with law enforcement and they feel like they need to do something. They get involved. We have so much unmet need for this kind of housing in Crook County that we will be jealously guarding this resource for current county residents. So we're not bringing anybody in. This is not a state program. This is very much a locally oriented program for people who currently live in your neighbors. Many of the individuals that this would house are already living on the street. They're sleeping on benches and doorways and parks are wandering the streets at night or landing in jail for a few days for minor offenses.

[00:24:09] Speaker7

This is this population that we see in the jail and the emergency room in the homeless shelters. Some of these individuals that this would house are staying at homeless shelters in town. We have two shelters, one for men, one for women, with very limited bed space. By taking these people out of the shelter, we open beds for the shelter, for other individuals while providing support services for the folks living in our housing. Our plan is to provide housing plus daily wraparound services to these individuals, allowing them to recover and stabilize. So if you have a severe mental illness and you're homeless, you will never stabilize and be able to live in the community properly. So these services result in an improved quality of life in Prineville, as the participants in this program can move to stable housing and stop the round of homelessness emergency departments in jails. So again, these are current people living in the community. The services that will be provided to these individuals include psychiatric support, counseling, intensive case management and skills training, peer support, and supportive employment services. When appropriate, daily contact with the individuals will be expected and compliance with treatment will be expected. We have staff available on call 24 over seven to address issues that arise. Crisis support services are available 24 over seven also. Best care is a 28 year history in Central Oregon.

[00:25:56] Speaker7

Of running residential treatment centers and recovery support housing. In a way that minimizes any impact in the neighborhood. With the goal that we are the quietest spot in the neighborhood. That's always my goal that I tell my staff. We successfully run six recovery housing projects in Central Oregon, and we've been approved for a similar project in Madras, where we're also the community Mental Health program. As a agency director. I immediately looked at the site that staff had suggested. That's. Sort of like the obvious thing to do. The problem with that is we don't own the land. And the state's not going to give us capital funding for property we don't own, and. I mean, that's just it's not available. It's it's one of their bottom lines. Have to have control of the property. And then the second thing is, even if we. Got through that hurdle adding a 20 year encumbrance over someone else's land is also pretty much. A no go. So so this funding comes has come to us as a as a project. And with that, we bought the site across the street again close to our services, we can provide lots and lots of wraparound intensive services. We know when problems are occurring, and and we are able to stay on top of the clients. We the architect has gone to these little homes because the people we serve will do better if they're not in shared housing.

[00:28:01] Speaker7

They're not the best roommates to each other. And so that creates more stability, a more humane and quiet place for them, again, to gain some stability. So I think that those are the main points. I think there would be I would be happy to engage in a conversation about long term planning, about where to place these kind of facilities where an outright use in residential settings. But in looking at the residential properties available to us this site actually seemed to have a lot of of opportunities for us to do a better job than if we sited in a neighborhood. So that's where we went. So I think that would be a challenge to actually find a better location in Prineville. So we have a need. We found a site. This is a site that we could identify that could address that need. The community need doesn't go away if you don't do this. These are people who are currently serving in our crisis services. You know, we work with the Da and the sheriff all the time with these folks. They're your neighbors. And so this allows for some of them to gain some stability and not be in this round of commotion that's out there in the community. Any questions?

[00:29:59] Speaker4

I have a question.

[00:30:00] Speaker7

Sure.

[00:30:01] Speaker4

So your plan shows ten buildings. You're talking about Josh mentioned that one of them would be like a.

[00:30:09] Speaker7

Clubhouse.

[00:30:09] Speaker4

A clubhouse? Yeah. Would there Wood. So. So there's room for nine people, then? Right. If if this goes through So is there someone on site 24 seven or.

[00:30:22] Speaker7

No, we don't currently have that in our plan. No, I can modify my plan to do that. We have that in some of our other programs. Not all of them.

[00:30:34] Speaker4

And then you mentioned being in residential sites, I assume that you have more than one person in a residential.

[00:30:44] Speaker7

Yeah. So our other sites are small apartment buildings pretty much. Or our residential treatment centers. Okay.

[00:30:56] Speaker4

Thank you.

[00:30:59] Speaker1

These buildings have a a kitchen or how do they get meals?

[00:31:06] Speaker7

Brian. Brian's our facilities director.

[00:31:12] Speaker8

Yeah, sorry, I can answer some of those. Yeah.

[00:31:14] Speaker1

So their name and address.

[00:31:16] Speaker8

Sorry. Name? Brian Palomo. Facilities director of Best Care. Tucson, Arizona. The the design of those buildings were. The thought was that they're they're not tiny houses. They're called cottage clusters. It is a style of housing that people do. It's they're these ones. I think it was mislabeled. They're not 288ft². They're usually 6 to 800ft². And we didn't put washers and dryers in them, but they're basically studio apartments. Single unit apartments. They do have the possibility to if this program did not work out and this project was sold, that these could be sold to a different owner who wanted to use them as regular commercial rental units. Or they could be sold off piecemeal as individual single person dwellings. They are 800ft².

[00:32:21] Speaker2

So many brand clarification because of the plans that were submitted were 288.

[00:32:27] Speaker8

I'm pretty sure that's wrong. I think we he might have. I'll double check with him, but I want to say they were bigger than that. And that was mostly because the building code for a tiny house is up to a certain number.

[00:32:40] Speaker9

And then a cottage cluster was.

[00:32:42] Speaker8

It was had to be a certain number of square feet. So I believe it's bigger. But we can get clarification on that to you. But just to kind of it was, it wasn't we would like to use these and we think these would be good for us. But the idea is, is that anybody could have used them if we didn't use them. So they don't stand out as being. They're not like the the sheds you see when you drive over here to Prineville. They're not that they look like little houses and they'll be landscaped and kept up like little houses. And ideally, nobody would even know we were there.

[00:33:16] Speaker1

And they do have kitchens.

[00:33:18] Speaker8

They do have kitchens. And they are meant to be standalone. They're meant so that this person, once they're stabilized, they can actually kind of live a normal life. And hopefully they don't relapse and hopefully they don't. But if they did, at least it's, you know, under our supervision.

[00:33:35] Speaker1

So how do they get their food?

[00:33:38] Speaker8

I, I imagine so.

[00:33:40] Speaker7

Yeah. So they go to the grocery store like everybody else and so I think and, and again, if we provide a lot of staff support for them and then one of the other questions that was brought up is a 20 year encumbrance. What if best care is no longer there. What happens? We. Best care took over as the community mental health program from Lutheran Community Services four and a half years ago. And so what happens in those situations is that what continues is the community mental health program. And so this would be is tied to the community mental health program ultimately. And so it would be 20 years before it's tied to best care as a corporate, as a nonprofit entity. So if we disappeared tomorrow, it would go to our successor agency, whichever that would be. So and that's all tied through the community mental health system that's been around since the early 60s.

[00:34:58] Speaker1

So you do own the property?

[00:34:59] Speaker7

We do own the property right now.

[00:35:03] Speaker8

And it does have the incumbent on it already, right? It does have the incumbent on it already. Oha does.

[00:35:10] Speaker7

Have. Right. So for me to unwind this, I have to sell the property and give the money back. So it's possible to unwind it.

[00:35:23] Speaker10

I have a question about foot traffic. The best care facility is close but not adjacent. And it sounds like there will be quite a bit of contact between you or your group and the residents. So being on the highway, that doesn't seem like a really safe place to have a lot of foot traffic. So is there kind of a plan to put in a crosswalk or I mean, is there some sort of plan for all the foot traffic back and forth?

[00:35:49] Speaker7

I've observed my clients walking down that highway already, so I don't think this would substantially increase that volume.

[00:36:02] Speaker4

If they're staying in the shelters, they're already walking the highway.

[00:36:05] Speaker7

Right?

[00:36:07] Speaker4

The men are in.

[00:36:14] Speaker1

Okay. Any other questions?

[00:36:19] Speaker7

Thank you.

[00:36:21] Speaker3

Nope.

[00:36:21] Speaker11

They are single individual versus a couple.

[00:36:25] Speaker7

We would not be opposed to couples. They're rare. As you might imagine, for people with severe and persistent mental illnesses. Usually, if they are stable enough to be in a couple, which is hugely advantageous then they probably don't need that level of housing. We can provide them. Community based housing. So usually you know, this So usually what you would see just clinically is people in a couple are much more stable and are we're able to place in our rental supported programs and they're in the community. You probably may even know some of them and not know that they're connected to our mental health program.

[00:37:27] Speaker1

Any other questions?

[00:37:30] Speaker4

So when you talk about these people being persistently, medically, mentally incapacitated, we're not talking about those who might be met tend toward destructive behavior or threatening to other people.

[00:37:50] Speaker7

Yeah. So we're talking about people with chronic psychosis is what we're really looking at. And so people who are you know, out in the community being threatening. Those are people we're going to we can't place a program like this. I just if they have a history, they need to have settled down in a way that we can believe in. They're stable and medications. They're they're engaged in services. Then I can buy into that. I mean, we are sensitive to neighborhood pressures and community, and this is a small town. You know, if if something is going wrong, I hear pretty directly from a county commissioner or the Da or the sheriff calls me up personally. So you know we those are always uncomfortable conversations that I try to make sure that they happen. Years apart from each other. So so we stay on top of these clients, and we make sure that we're not putting people in there who are actively endangering other people. Thank you. And also, the other problem is the people they would endanger the most are the other residents there. And that would make everything fall apart, right?

[00:39:31] Speaker1

Anymore?

[00:39:32] Speaker4

I'm not think so.

[00:39:34] Speaker5

I think okay. So like end of life of the project. So, so these little houses, you know, when they start wearing out what's what, how do they, how do you take apart nine, nine of these little houses or what's the next stage of, of planning for when these houses are turned down.

[00:39:55] Speaker11

For 20 years.

[00:39:57] Speaker8

We would just budget the maintenance of them through our. Through our normal operations to maintain them, put them on a normal reserve schedule and just replace parts as they roofs, replace plumbing. Just put it on a 20 year plan.

[00:40:12] Speaker4

So these are these are stick built.

[00:40:15] Speaker8

Correct.

[00:40:15] Speaker4

Right.

[00:40:15] Speaker8

Permanent structures. Yeah.

[00:40:17] Speaker4

Structures. Okay.

[00:40:21] Speaker11

So in the 20 year encumbrances over what's what occurs at that point?

[00:40:27] Speaker7

Well, I mean, technically then best care would have control of the property. And so assuming that if we're still the community mental health program in Jefferson in Crook County, then we would continue with mission driven services. As long as they're going well. You know, but it gives a certain freedom to changes. Community needs change. And so what? That director I will not be director in 20 years. I can promise you that. And so I can't promise you what would be that decision at that point?

[00:41:20] Speaker5

And these are this would be operated, like, kind of independent of your facility there. You said you're just leasing that. So if you guys move somewhere else, your your main facility could be.

[00:41:33] Speaker7

Well, best care.

[00:41:34] Speaker5

Much further than what we see right now.

[00:41:36] Speaker7

Right. So best care is in four different counties. We have 365 employees right now. You know, so we're in crook, Jefferson, Deschutes and Klamath counties. So My admin is in Redmond. So, yeah, we run a lot of different facilities.

[00:41:59] Speaker5

I guess what I'm saying is there's like a, there's a perceived convenience right now of being close to your facility, but that main facility, you're just.

[00:42:07] Speaker7

Yeah.

[00:42:07] Speaker5

Could be gone in, in at anytime in the future. And so this housing is still they're just not not managed with this close proximity potentially in the future.

[00:42:19] Speaker7

Yeah that's a potential. Yeah. I've been a director long enough. I can't promise you 20 years down the road. So, you know, I've been an agency director for 29 years, so I've seen changes. So, I you can't make guesses around something like that.

[00:42:44] Speaker5

Is that the other one? That you had approval in Madras? Is that a similar thing or.

[00:42:49] Speaker7

You know, it's actually it's not a close proximity. It's on the other side of town. We're on the south end of town. That's And the site we have is near Ahearn Groceries on the north end of town. And we're in the in the the Y building, the at the south end of town and the South Y building. Right. Good questions.

[00:43:22] Speaker4

I would just say that the history of where your, of your current location is not isn't that there hasn't been a lot of demand for that. And so it's kind of nice that you guys have it.

[00:43:35] Speaker7

Yeah. I mean we would upgrade the property I believe.

[00:43:46] Speaker1

Anything else? Okay. Thank you.

[00:43:51] Speaker7

Okay. Thank you very much.

[00:43:53] Speaker1

Anyone here who wish to speak in support? Okay. Those in opposition.

[00:44:07] Speaker3

Any time. Who do you work for?

[00:44:08] Speaker1

You are.

[00:44:10] Speaker6

Closest.

[00:44:11] Speaker3

Okay. Okay. My name is Steve Caraway, and I live out on the matters highway. But I am the trust for the Patricia Caraway property. Which is right on the west side of this proposed facility here. My parents bought that in 1953. We've owned it for a long time. Like many of these people in here down Studebaker Drive. They've lived there for a long time. They. And now we want to bring something. You know, I guess one of the first things that I've noticed about a lot of this is when we brought the men's homeless shelter in just down the street. Lots of problems. Lots of problems. The little trailer park right next door. The. Josh has got me scared to say anything. Because if I say something wrong, I don't want to get. I'm not a lawyer, so I don't understand everything. But I will say this, that the dynamics of that mobile home park have changed over the years. And now the police are down there almost every day. They make a lot of visits to that mobile home park and that mobile home park. There's a lot of those are single families, single wide mobile homes that got 2 or 3 families living in them. You know, there's I. That's fine. Just don't bother us. The property that my folks had there we've had a lot of vandalism, things like that. We've had my son is living in that house right now. And since he's been there he's had to get restraining orders on people. Stalking his wife and that come over to Best Care. So, like I said, it's just a lot of issues.

[00:46:00] Speaker3

And the thing that is has got me about all this is it says best care. If best care is not the operator, it will simply manage by any other multifamily development. Little single family houses become multifamily, which becomes more of a problem. Yet the housing development will be managed by either our in-house housing department or a third party manager. So it doesn't mean it's going to be managed by Best Care because they're saying right here, it could be either way routine inspections will be conducted to ensure remains in good condition, free from hazards that do not to contribute to urban blight. Ochoco grade school. I heard all the positives for that. Now look at it. I mean, I, I don't understand things that the fact that we have facilities, low income, how great it's going to be, it's for the community, it benefits the community. There are people living in there that drive nicer rigs than I do. I mean, how does that work? There again, I'm just I'm just throwing things out because I do know there's not a person in here that would want this facility right next to them. I really don't think there is. Screening residents present challenges as some of the target occupants are unhoused and or may lack formal documentation or rental history. Okay. There's so much of this that it's just. I don't want to put this. This is this is language that seems very pleasant to us. It's loving. It's caring, you know? And I am not going to take the whole night here. There's a whole lot of things I could say about this, but I am in total opposition of this.

[00:47:48] Speaker3

We as a society. We don't need these tiny homes. We don't need more homes. We don't need taxpayer dollars paying for all of this. Our own state, our county and local governments have created a lot of this problem that we have. We don't attack it the way we see. It's just we have been led to believe. I, I go back in my high school years, I did a lot of drinking back then, and I was even listed as a teenage alcoholic. I praised the good Lord every day. I never killed anybody in an automobile accident. But about ten years out of high school, we started noticing a lot of our commercials. Alcohol. Alcoholism is not a choice. It's a disease. Garbage. It's a choice that you make. Just like drugs, drugs are a choice to take. And and I just. It really bothers me. People making poor choices. Our tax dollars. We feel sorry for them. We get enough media input and everything else. And we feel so sorry for these people. Well, hell, here's a few extra tax dollars out of my pocket. You know, I I just I really struggle with that. I look at it, it's now the need to fix it the right way. We have an opportunity to attack this and fix it the right way. I don't have all the answers. I know there's smart people on the council. They're smart people in the county. And because I see a lot of what we do every time we turn around is we are creating more and more government jobs to take care of these problems at taxpayers expense.

[00:49:34] Speaker3

You know, a very large percentage of these people are not homeless by consequence. They're homeless by their own choices. Yeah, we're told it's a disease, not a choice we need to feel sorry for. I have worked hard my whole life, obeyed the laws of the land, and have chosen to contribute to society and not be a financial drain. And yet, who feels sorry for me? Nobody feels sorry for me. Every day I wake up, there's a new tax on something. I'm just reading here now. The state of Oregon is going to raise the gas tax, going to raise this tax and to do with bottle recycling. I mean, it's just like there's no end to it. I am retired, my income is not going up like I do, and I'm old enough and tired enough that I don't want to go out and get another job. And I know some of the people here I appreciate some of them are lifelong residents of Crook County, and this is something that we really don't need. We need to start looking at how can we best take care of these situations rather than making it hard on everybody else. And I truly feel there's going to be some other people that have got a lot more intelligent things to say than I do. But it just seems like there's a better way to deal this than open up. Open up this right next door to my piece of property and other people. And it's just. It's just not the right thing to do. Thank you.

[00:51:10] Speaker1

Okay. Next.

[00:51:19] Speaker12

My name is Terry Black. I live 1564 Northwest Studebaker Drive. That little area with the green grass. My husband Ken, takes care of that meticulously. Right there.

[00:51:33] Speaker13

Right right beside tightwad.

[00:51:36] Speaker14

Like really green spots. Oh, yeah.

[00:51:40] Speaker12

That's us. So. Tightwad. Best cares already bought the property. That's what I hear, right? Yes.

[00:51:50] Speaker11

Yeah.

[00:51:50] Speaker14

Correct.

[00:51:53] Speaker12

So how long have they bought that property? Ago. Was that a year ago? Yeah. And they already have the plans for these little houses to fit right in there. How come we weren't told a year ago that you were doing this to us? And I'm saying to us because it's happening to us. How come? No answer. So we had we had a homeless shelter come in a couple of years ago. We came to this meeting. All of us here, most of us. And they told us all kinds of great stories about how it wouldn't be open 24 over seven, and it would be mandated by somebody watching. What's going on? No. The minute they got in. Everything changed. It's open all the time. People hang out on the back. Yelling, screaming, cursing. People going down our street, doing karate moves and all kinds of crazy stuff goes on down there. Do we have a choice? Nope. That's where we live. My family came here in 1941 just to say my husband and I raised four kids. We bought that little place for my father in law, black. You may know Al Black or may have known him. And we decided we're going to fix this up because this is where we want to stay till we retire, till we're done. But best care came in a year ago and ruined our plans. And guess what? We're selling our home. The home that we wanted to stay in. Because even though this gentleman over here wants to help someone who's helping us, who's going to.

[00:53:26] Speaker12

We're right across the street from them. Who's going to watch out for my property? Who's going to come? This gentleman calls the police when his wife is being stalked. Does anybody care about that? No, no. Did they do anything about it? No. The cops don't care. So who cares for us? Can somebody tell me that? No. I asked you that question last time, Ron, when we were talking about the homeless shelter. Who cares about the people that work and live there? So we're coming here to talk to you, to say, no, we don't want this. We don't want this. We want to live our life there, to retire there to live till we don't live anymore. I guess you can see all the work that my husband does on that little green property. It's just an acre. But he's out there every week. We're taking care of it. What's going to happen to it now? When they decide whoever decides that they want to just come over for a visit. No, the police won't come and help us. They don't have anybody watching these people. And mental issues are serious. I get that when you're high on drugs and you're doing whatever your psychosis is. Who's going to help us 500ft away? We're going to call the cops. How long is it going to take for them to get there? I could be dead. What about that? You guys are the ones making the decision. Am I right about this?

[00:55:07] Speaker14

Correct.

[00:55:10] Speaker12

So can you tell me what we're supposed to do to protect you?

[00:55:14] Speaker2

You're doing.

[00:55:15] Speaker14

It.

[00:55:16] Speaker2

You're doing it right now.

[00:55:18] Speaker12

So basically. I want to know. We have the homeless shelter on one side of us. We're getting best care. Of course we're getting it on the other side of us. What's coming next for us. We don't know.

[00:55:33] Speaker14

We don't know.

[00:55:35] Speaker12

So basically, this is welcoming the people who have lived in our neighborhood for years to your neighborhood? Correct. Is that what I'm hearing? Because it's going to be their neighborhood.

[00:55:52] Speaker13

I feel it's going to make the whole neighborhood unsafe.

[00:56:00] Speaker14

Hey.

[00:56:02] Speaker13

You got anything else?

[00:56:03] Speaker12

No, I don't.

[00:56:07] Speaker13

So I don't want it.

[00:56:11] Speaker14

My.

[00:56:15] Speaker15

Name's Ted Hussey. 1538 Northwest Studebaker.

[00:56:19] Speaker14

1317.

[00:56:20] Speaker15

13. Sorry. We already moved once because of the homeless.

[00:56:24] Speaker2

Oh, don't touch that one. You want to point.

[00:56:25] Speaker15

Which one's the pointer?

[00:56:28] Speaker2

Screwed up.

[00:56:29] Speaker16

And is there a way to. Is there a.

[00:56:31] Speaker15

Way? They've already moved once because of the homeless shelter, which is right here? I used to live actually right behind Ken and Terry. Right here. We would.

[00:56:40] Speaker16

Can we go to the the zoning one? Because that actually has.

[00:56:43] Speaker15

Go back to the overlay. I got your controller.

[00:56:47] Speaker14

There you go. There you go.

[00:56:48] Speaker16

Because that's a lot easier.

[00:56:49] Speaker15

So we used to actually live right here. And because the homeless shelter went in, we had complaints about it. And the biggest thing that they can do is throw in a six foot fence right there while we still had pedophiles watch my kids jump on a trampoline in the backyard. We moved from there. I developed this blank piece of land right here, put our home there, which is supposedly going to be our retirement home. We were told by City council through our meetings that the shelter here, we would no longer have the traffic coming down our street. I proposed from the original. I think it's the 70s prince Of when this was put in that this would actually have a fence around right here. So from our Studebaker street to the park itself would not have access. That would stop all the foot traffic. That was voided. We continuously have traffic coming down. I now have two security cameras that point out at the road. I call the police department at least once every week due to the current traffic. Now, this park here, I have multiple complaints. I have lost revenue from people moving out of this park due to these severe mental illness. On average, it's about 40 45 minutes before the police officers show up to deal with it. Most of the time, they're already gone. The fastest time was less than ten minutes when I drew my gun on one of them because he pulled a knife on me.

[00:58:20] Speaker15

Then all of a sudden we had six officers down there searching the area for the guy. Found him probably about an hour later, and he was hiding underneath someone else's trailer. These are not the people that we want in our area at all. The oh, there. I screwed it up. My kids, I have five kids. Three are still at home. They walk down our street here across their bus stops right here. There's a total of 38 kids that get on the bus every morning and afternoon. Between the majority of them are grade schoolers. They already have to walk past and deal with everybody that's coming for the best care crap that are already walking up and down the street. They're dodging the cars running back and forth. I'm calling them continuously. I can no longer, as far as the police department is concerned, trespass. These people from the park that I got, they can come in. They can walk around. All my tenants are calling me concerned, worried. I can't do a thing about them. I can't even kick him out. I can't tell them to leave. I call the cops for any sort of help to come down there. They can't do nothing. They tell me I can't trespass them. I can't file paperwork. I can't do nothing. I've had the one which is the kung fu playing baseball. Everybody knows who I'm talking about. Been told he's harmless. There's nothing wrong. He does his thing. He types up in the air.

[00:59:51] Speaker15

One day, me and my son, we were down here at Town Pump. We were getting some sodas. He had an issue. Altercation with the lady there at the register. As we were going home, I ride around on a one wheel with my kids. It's a one wheel scooter. It took three police officers to get him to the ground on ninth Street. Three of them to subdue this one person. That's not a hazard to the public. I know we have state hospitals to deal with people like this that are mentally ill, that are not safe for the public. He's already said it himself that they're not safe. There's already concerns for them being in one place altogether, so they're going to put them in their own little housing and not be monitored 24 over seven. We were told good things when the men's shelter came in and it didn't happen. It's a bunch of garbage. Put it somewhere else. Men's shelter. I know that Prineville has always had one, and it really didn't have an issue when it was right next door to the police department. I honestly didn't even know we had a men's shelter. I knew we had a women's shelter, but the men's shelter, it didn't happen. This is another thing. When the men's shelter happened, it's a building. They will come. There's a whole lot more that have come now since the men's shelter has been built. This is another poor excuse.

[01:01:16] Speaker16

So I'm Stephanie Hussey, I'm Ted's other half. And what he failed to mention at the beginning is we manage Grace place RV Park, which is almost is it 72 units?

[01:01:26] Speaker15

It's 64. And I almost forgot to add and this is actually one text message from one of my tenants. One of the many text messages. I get it, there's there's language here. It says Hello there. Sorry to bother you. Two things. She was dropping off money a little bit late, but she says and I don't know if you can do anything about the gentleman at the men's shelter is screaming worthless cunt you effing snatch whenever he sees me or my daughter outside.

[01:01:59] Speaker16

I understand and have sympathy for mental health issues, but it's upsetting. Anything you can do would be greatly appreciated. Again, so sorry to bother you. And this is at 8:00 at night.

[01:02:09] Speaker15

When I've called the men's shelter many times, and I don't know who the lady is. On the other end of the phone. She's a nice lady. Nothing ever happens. He's out there screaming, yelling, shouting, all these things. I have a good majority of the people here in this park where they are DV cases. This is the only way out for these women. They can't afford a house. They can't afford an apartment. They can afford a \$300 payment for a travel trailer in a very small amount, in rent for the space. I've had to. I have had people move out. I've lost revenue due to it. I've had to move women from this whole side of the park to this side, over here and here, just to get them away from the men, shelter from them, screaming at them.

[01:02:54] Speaker16

And we don't want that to continue with this site. So what I've seen since the men homeless shelter went in is that everyone in our community on Studebaker Drive has had to erect fences. We all have security cameras. Ten years ago, none of us had that. I can't let my kids play outside my seven and eight year old girls without me constantly having eyes on them on a dead end street. I should be able to let them outside and have them ride their bikes. But because of the traffic we're seeing from the men's homeless shelter, I'm afraid it's just going to get worse if we put in another nine unit severe mental health facility or housing.

[01:03:36] Speaker15

So hold on one more thing. So as of right now, it's scheduled for a nine unit. You mentioned that it can potentially fit 20 is.

[01:03:44] Speaker2

So what I meant by that is the density for a residential. When you when you do residential in a commercial C-2 zone we defer to the R-2 zone. So when I look at density, if this was a residential zone you could do up to 24 units.

[01:03:59] Speaker14

But.

[01:03:59] Speaker15

Potentially they could. So this is.

[01:04:02] Speaker2

Yeah, I mean usually you'd have to go three storeys to do it, but.

[01:04:05] Speaker14

Yeah.

[01:04:05] Speaker15

Well you can do that and you can build up the land because I, my property get me out of the floodplain, which I'm still I'm going to start dealing with FEMA now. I'm two feet above it now. I built that whole thing up eight feet so I don't have to worry about it. They could do the same thing on that whole back half where they don't plan on doing anything because of the water there. They can potentially make it a lot larger than what they're looking at currently.

[01:04:30] Speaker16

I would like to read something from our neighbor. Her name is Nicole, and her husband's name is David Griffin.

[01:04:36] Speaker15

They live. We live here. Nicole lives.

[01:04:39] Speaker16

Right here. Nicole and David live there with their six month old baby and their 16 year old son. And her question was, what would be the criteria for a person to be removed from this housing project? Are there screenings for drug use? Are there screenings for violence, sexual abuse in their past? What are those requirements? And then the other question that she had was what is the definition of severe mental illness? And the reason she's asking is because so far we've heard that this is not going to cater to anyone with threatening backgrounds or any type of violent crimes where right now, in Wenatchee, Washington, there is a manhunt going on for a man that had PTSD with no prior violent tendencies, who murdered three little girls, and that is blaring in my face that he didn't have anything on his record to indicate that he could harm anyone. And that is terrifying for a mother of kids. I called the Crook County School District transportation. And if you could point Ted the bus stop that my girls walk to or I drop them off occasionally, is at the very beginning of Cascade Loop, where there is a huge trailer park. We have kids that walk all the way from our RV park there up to Madras Highway.

[01:05:51] Speaker15

Up the.

[01:05:51] Speaker16

Street there. And that's the only bus stop that they can get on in the morning. There are 23 grade school students who utilize that bus stop every day at 710. And then there are 18 middle school and high school students who utilize that bus stop every day at 822. So that is a lot of traffic of children going back and forth there. I'm not saying that these people would harm them. I'm saying they could. And their backgrounds do indicate when I go to a park with my kids during the summer to get the free lunch program. And we are told that we need to leave because there is a homeless person sleeping there, and we can't approach them because they might be violent or dangerous. Because that to me says that that's if I'm not safe enough to go to my own public park on Harwood with my kids, I really would not feel comfortable having them walk by those same people in this site to go to the bus. My other big concerns. I love the crosswalk idea. Like there has to be management there. Not just from the people staying there, but if there's this constant revolving door care, there has to be management there. 24 over seven management, someone on site. The majority of the calls we get, even from our RV park at 10:00 at night, a teenager went for a joyride through the RV park and ran over a rock.

[01:07:08] Speaker16

We are on the other side of the RV park where you can walk through the back fence. We are at the RV park in less than ten minutes. We are there. When a teenage girl got her tire slashed by her boyfriend. Like the things that life happens. But the only time that the police had responded is when the gentleman at the RV, at patrolling through perusing through the park, had pulled a knife on you and the police came under ten minutes. That is the only instance that we have had immediate response. Even when there is a man living inside the dumpster at our RV park and we can't get him out because that's his new home, according to him and his other personalities. So we do not want to see any more of these personalities take up residence. And yes, there's a lot of there are commercial things along the street. But I want to say primarily looking at this picture, all the big chunks you see, those are houses. Those are families. Everyone on our street has either children or grandchildren that are there daily. It's not somewhere that we would really like to see an increase in traffic from what we already have had happen. And I very much oppose this development in its entirety.

[01:08:29] Speaker1

Okay. Thank you. Next.

[01:08:39] Speaker17

I'm Evan Carraway. I live at 1098 Northwest Madras Highway. That's the property that my dad owns. So I had majored in chemical engineering. Decided to move back to the area with my wife. Got a good job going to buy the property, fix it up, clean it up. So kind of my first argument is. You know, that's going to devalue the property. Anyone saying otherwise is I mean it's BS. We are. No one's going to want to move in and buy the property. If I decide to sell it at some other point in time to kind of corroborate or corroborate everyone else's claims about the people that it's going to bring in, I have pretty much built profiles on all the people that currently live at Best Care. They this guy like to make the case that they're the quiet ones in the neighborhood. Well, on a weekly basis, I see the cops over at Best Care. I see all the guys who live at the men's shelter who walk up to Best care. They come buy their litter, throw trash out in front of my house constantly. I've had three different instances I've had to deal with them coming across from Best Care. One of which, my mom was out in the front yard one day, and I hear a guy aggressively coming across from best care hooting and hollering at my mom and I go, what the heck? And I step around the back.

[01:10:01] Speaker17

Then he sees me and he's like, oh, okay, whatever takes off up the best care. Many of which, when they can't get a place to sleep for the night, they park in front of my property, one of which moved in with his mobile meth lab for a week and was cooking meth out there because it smelt like ammonia at night. That's what he was doing. Called the cops. That took them three weeks or close to a month to get rid of him. And then about three weeks later, another one moved in out front. I got pretty aggressive over that one. They moved him within two weeks. One of the guys that lives up at Best Care, which he said he wants to take guys from there and kind of move him into these huts. This guy is severely mentally ill. It's the. His police record says that he has schizophrenia. But I actually went to high school with the guy. I know him. He's got meth induced psychosis. He's a complete nut job. His own father shot him because he tried to break into his house and harm the his ex-wife and his daughter. So his dad was forced to shoot him. This guy who lives at Best Care or lives at the women's shelter and goes to Best Care.

[01:11:15] Speaker17

He would wait and watch for me to leave every day to go to work. And then he'd come over to my property to stalk my wife. I called them in police department. Didn't want to do anything. One morning, I got ready to leave for work. He's sitting over at Best Care. Sees me leave. I get ready for work. I get a call about 30 minutes later. My wife said he went into her place of work, cornered her in the back and the employees only place, and was saying, I'm not going to say what he was saying to her, but, you know, harassing her. So then I got to leave work, come all the way back to town to deal with this guy. That same day, the same. Like I said, this is one of these nut jobs this guy wants to put in. He goes up to the bank. Was the best. Whatever. The Western Union Bank is there in town. He was threatening people there at the bank. He doesn't even have an account there. They arrest him. Dude had meth. Because I've been pulling police reports on all these people to and seeing what they're all about. I mean, it's just, I don't know. I don't want to be, like, disrespectful. I understand there's people with mental illness and stuff, but I want you guys to be, like, actually aware of what's going on.

[01:12:21] Speaker17

Don't believe the lies of this guy. He's trying to sugarcoat things. He wants to put in a bunch of mentally ill psycho huts next door to the property, devalue the property, and somehow is probably making money off it from the state. So I don't know. I mean, do you guys think it's fair to put the engineer next to the nutjobs? I mean, it's not so I mean, if I'm just being frank about it and I apologize for being a little harsh, but, I mean, it's just like it's the reality of it. I'm just fed up. I'm constantly, constantly calling the cops, and they don't ever do anything. And now my wife, she's all up in arms about it and scared about it. And it's like, so I'm going to have more psychos stalking my wife when I'm not home. And it's like, then if I want to sell the property, that's like, I'm going to get undercut on that because no one's going to want to buy that living next to it. If they really want to do it, why don't they go put it out in the desert somewhere, you know, or move them in with you? Dude? I mean, you seem to care about them so much. Put put it in your backyard.

[01:13:26] Speaker2

Keep it addressed to the commission.

[01:13:29] Speaker17

Personalize it. Yeah. Sorry. My apologies. Anyways, that's my point. I just want you guys to be aware of what's actually going on, not sugarcoating it. I'm not trying to be a jerk about it, but that's the reality. And I'm going to be stuck next to it or sell the property and get undercut. So thank you.

[01:13:48] Speaker1

Okay. Next.

[01:13:57] Speaker18

My name is Sandra Thrasher. I live on A 1439 Northwest Studebaker drive. My husband and I bought that property in 1972, and we have developed it and lived there ever since. With the intention of living there until we either aren't able to take care of ourselves or one of us go dies and the other one feels the need to move if something happens to him. I can't take that. We've got two acres. I can't take care of that. So I would be moving, but I intend to be there for a long time. Many of the issues that I have written down, and I apologize for not getting this to the board sooner, but I was very busy and out of town, so I couldn't. One of the things my husband was told was we could be living next to a severely mentally ill person right now. That's true. You don't know who is and isn't sometimes. But my concern with this facility is that there's going to be a concentration of them. It was initially proposed to be operated by Best Care, and yet they've clearly stated that it might not be operated by them. If not them, then who? And I would like a more definitive definition of severe mental illness. There was also a mention of serious and persistent mental illness. Many of these things that I'm going to be talking about have already been addressed by my neighbors.

[01:15:48] Speaker18

I have a concern. The statement from Best Care regarding frequent contact with law enforcement, which also included reference to issues with trespassing or loitering or just putting them in this facility isn't going to change that. Or are they going to be then trespassing or loitering in our neighborhood? When the shelter was put in, we were told that it would be managed. They would be there from, I think, 6 p.m. to 6 a.m. there were requirements that they had to be out looking for jobs. There were going to be there was going to be drug and alcohol testing, and they had to meet those requirements or they were not going to be able to stay. I don't know that that's happening. And if that is also, I mean, what are the requirements for someone to stay in the facility that's that's being proposed. What happens with those people if they're already mentally ill and they're told they can't stay there because they didn't meet the requirements, where are they going to go? Down in our neighborhood is my concern. It was stated that the treatment facility was determined to pose potential safety and operational risks for both residents and staff. What? But there weren't. I mean, what about potential risks to the neighbors in that area? They talked. They stated that CCTV security cameras would be installed throughout the development to enhance safety and discourage criminal activity.

[01:17:33] Speaker18

What about the safety and potential criminal activity in the neighboring area? There was a statement. While no onsite staff will be stationed at the development, our main campus is less than 500ft away, allowing for rapid response to any issues that may arise. Is that going to be staffed 24 over seven? Are they going to be able to respond in a timely manner? If there is an issue? Another concern I came to mind just this evening. I feel we already have a huge traffic issue trying to get out of Studebaker drive onto the Madras Highway. The lumberyard employees are parking along the bike path on both sides of the street, and you almost have to be out into the street before you can see oncoming traffic. And it's going to get worse with the big development that's going on on out the Madras Highway. How much more is this facility going to create? How much more traffic is this facility going to generate? I feel that there's already a resident on Studebaker Drive. It's an eyesore, and it's not being managed by the city. There are multiple RVs, campers, trailers parked on this property, and the grass is knee high. It's it's a mess and it's not being managed. So that's another concern I have for the city to consider. I think that's all I have. Thank you for your time.

[01:19:33] Speaker1

Thank you.

[01:19:40] Speaker14

Thank you.

[01:19:43] Speaker4

You have to speak quick.

[01:19:46] Speaker14

Okay.

[01:19:47] Speaker19

My name is Rick Clawson. I live across from the homeless shelter. I filled public speaking. I agree with you. There's a lot of homeless in this area that I know of. And people on welfare. They don't want help. They want to live off the government, off the money that I have to go to work in the mill and make. Okay. As far as that homeless shelter goes. It really was sugarcoated, and it sounded really good. It's right in front of my house. My security cameras down my driveway. Pick them up. I have numerous videos of problems over there that I'd be happy to share with you, including the ones with the nutcase over there screaming and hollering at God and threatening God to come and do something to him. Standing up there in the street, swinging his arms at cars, driving by all this stuff and people all over know about it. When I called up, you know, which I did call up the city a lot about they just tell me. Well, there's, you know, he's a permanent resident. You might as well just get used to it. Even though they told us when that thing went in. Nobody had lived there over three months. They said after three months, they'd be out and a new group would come in, which I have questions of, if they're not important, them, where are they coming from? Okay.

[01:21:08] Speaker19

Are the drugs going in and out of there was substantial. The homeless would come over there. They weren't supposed to be there until, I can't remember, at 6:00 at night or something. And at by 10:00, they're supposed to be locked in and not be able to leave, not be able to come over to my property. And You'd see him out there climbing the trees, getting their little packets of drugs and everything so they could tighten them and so forth. You'd see them back there in public using the ground as a bathroom. The homeless shelter now has has taken care of that. It's done pretty good. Other than this fact, this guy who Who? Several of them. Who? Permanent. Lived there not just three months, but they live there, out there screaming around. Kids can't walk down the path we've had. My wife has had to go there and help children walk down the path, because everybody's afraid of this guy, but he's harmless. Just ask the 3 or 4 police to come over to to talk to him in groups, not by themselves, to calm him down. I also had a problem with I kind of have a problem with homeless. I think that they do it on purpose. Obviously, it's a lifestyle. It's a pleasant lifestyle. And this one guy has a motor home, which is probably the one with the drugs in it that they're talking about, parked in front of my house and on the highway, off the highway in front of my house.

[01:22:34] Speaker19

And I called up about it and they said, oh, we'll tag it. Okay. Called up three days later. Oh, we're going to tag it. He's having a little bit troubles. He's just down on his luck for a little while. We're going to tag it. We're going to take it that thing sit there for a month in front of my house. And when he finally did decide to move, another one moved in. Do we want our highway littered with homeless living there? Since I've moved there, I've called the cops several times, police several times about what I do with these needles that are being thrown in my hedges in front of my house. Oh, well, we'll put a flag on it. We'll have someone coming down there and take care of it. Okay. The flag was there until it rotted away and fell off. And they did finally come and pick him up. But is this really the dumping ground for our Central Oregon Prineville? They're going to just move in all this, this problem things and leave it dumped there. That's all I have to say. But seriously, we do have videos and and the lies we were told are the promises that was not kept on the homeless shelter is is heavy.

[01:23:56] Speaker20

I have some stuff to add. My name is Kelsey Shane. I live at 20 2135 Northeast Timberwolf Loop. When we lived on the coast, my husband and I moved there for six years. I dealt with a lot of homeless. They were back behind my store that I managed. You know, they were great people to me because they protected me, because I gave them food. But there was plots to hurt me. I was out there all the time. They didn't want help. We moved back here. I lived right next door to my parents. They had a rental house. We were down on our luck moved in. I heard about the homeless shelter. I had a one year old little girl. I had to move. I had to buy a house. I have two kids. My kids hate going to Grandma and Grandpa's. They're scared. They're terrified. Fight. My daughter won't get out of the car. She's 13. She's now 13. She hates getting out. The guy across the street. Constantly screaming about how I'm going to kill the cops. I just want to kill the cops. I'm scared for our police. I'm scared for my kids. I have gone out numerous times to help kids walk past them. Because I think that we need to protect our kids. If I ever have grandkids, they'll never go over there. My parents will never see them if they have great grandkids because I can't feel safe there. My kids can't feel safe there. And with this going in, it raises more concerns. There's a lot that was said that concerns me. You guys are talking about oh, it's, you know, commercial. So does that mean residential? Because there's a ton of that in farming out there. Is that going to be shoved out for commercial tight wads? You already can't get through there. It's dangerous. They park on the roads. They block that highway.

[01:25:36] Speaker19

Their trucks have to back in there. They got to block traffic, the back end, and then they unload the trucks on the highway with the forklifts driving on the ice on the drive.

[01:25:44] Speaker20

I mean, there's a lot of this stuff that concerns me. And then we're talking about we're going to have some people in there, but what happens when we get more people in this area that need that mental help? Are they going to build up higher, or are we just going to say, oh, these ones are grandfathered in until they're better? We can't help anymore. Then we're going to I feel like this is going to keep going where they're going to keep trying to find expand, because this little nine unit, they're going to help grow it. That's some concerns I have. But I do fear for the kids out there. That's why we moved where we're at because I can protect my kids. I have security cameras. I'm home with them all the time now because our town is getting to be a big concern. So that's all I have.

[01:26:28] Speaker19

A footnote. My wife and I, when we first got married, we drove around Prineville for a year. We found that area we liked real well. We targeted that house. We like the house. It's on the river. It's an old country home, and we wait for it to come up for sale. We're gonna live there until we die. 45 years.

[01:27:01] Speaker14

Thank you.

[01:27:05] Speaker1

Anyone else?

[01:27:06] Speaker14

You need a break? Break?

[01:27:09] Speaker2

Or do you want to take a quick break?

[01:27:11] Speaker1

And we can take a quick break here.

[01:27:13] Speaker14

Five minutes. Yeah. Okay. That's fine. Okay. Okay. Yeah.

[01:27:18] Speaker1

Who's next?

[01:27:27] Speaker14

Oh. That's nice. Hey. You're here.

[01:27:31] Speaker21

Hello. My name is Michael Hurley. I live at 982 Northwest Matters Highway. That is the property Pretty directly on the other side of the proposed site, on the corner of Madras Highway and Studebaker Drive.

[01:27:45] Speaker14

That would be.

[01:27:47] Speaker21

Yeah. Right there.

[01:27:49] Speaker22

Right between tight or tight lodge or the lumber yard and the site.

[01:27:53] Speaker14

Yeah.

[01:27:54] Speaker21

So I haven't been there as long as a lot of these people have lived in the neighborhood. But I've been there almost seven years. I have a seven year old granddaughter that rides that bus that drops off right down Madras Highway. I have an 11 year old granddaughter and they both like to come visit grandpa, and I don't want to have to worry about their safety when they're at grandpa's house. I don't want to have to stop letting them come to my house to see me, because I'm worried about their safety. I know this man has the best of intentions. I know that these people need somewhere to go. I understand that I'm not unsympathetic to that. But like these people, I don't want it right next to my house. You know, I'm in my mid 50s. My wife's in her mid 50s. We have mobility issues. And I really just wanted on the record that I object to this because there are going to be problems. And when problems come to my property and I have to take care of them, I want it noted that I objected to this. Matt, do you want to say something?

[01:28:57] Speaker14

Sure.

[01:28:58] Speaker22

My name is Matt Hawes. I'm the one I actually own. That piece of property he's talking about. I live in north end of Prineville, up off of Bobby Place. Pretty much everybody's covered the things that I had questions about. I did have one concern. What is the end game for the residents of this facility? Are they going to be just here indefinitely? If they're if they're criminal offenders repeatedly, is there going to be any repercussions to remove them? And if that's the case, are they going to just put them back out on the street? You know what is the end game to this? If they're good residents, are they going to live there forever? You know what? What is the resolution to these questions? I don't I don't see it in the proposal. I just see from just interpreting it a grant allowing this process to go through if it's put through by the city. I don't see any actual terminology in there for what happens if things don't work out positively. So that's been my last concern. Everybody else covered most of the other ones I had. So thank you.

[01:30:14] Speaker14

Okay.

[01:30:15] Speaker1

Thank you. Anyone else? Okay. No one else in opposition to anyone that's neutral and just has comments. Okay. None. Noted. Applicant. You get the final rebuttal.

[01:30:42] Speaker7

I appreciate the the concerns from the community. I do want to say that we're not a homeless shelter. We're providing essentially permanent housing for folks. When they do stabilize ideally, then we're able to get them into community based apartments. So they're not in that supportive housing setting. So many of the people that you were concerned about? Well, I know some of them. And so the question about mentally ill, these are people. Most of them have schizophrenia or some version of that which is a chronic psychosis. You're hearing voices. And most people with schizophrenia are not the ones you're talking about, but some of them are So I think what our I think the issue in Prineville is is, is the city has grown. There's a need for resources so that these folks are not on the street and not a public nuisance. And and so part of how you get there is these kind of highly supported housing programs so that they have permanent housing. They have lots and lots of support. So they're not out on the street causing a public nuisance. So that's you know, the question is, is this the right site for this? But, Prineville is large enough that it begins and needs to start having services like this somewhere. So so that's issue. That would be the concern. This is our proposal for a site. Ultimately up to you guys to make that decision.

[01:32:52] Speaker14

Okay.

[01:32:53] Speaker1

Any final questions?

[01:32:56] Speaker14

[01:32:57] Speaker2

Don't close it, Marty. Just in case there's more information that some of the commissioners want. I wanted to ask Lanny. She's still on. If she had anything to add.

[01:33:10] Speaker6

I, I don't believe I have any dad. Most of my most of my contribution to this would be just you know, floodplain issues, the development, landscaping, stormwater, so on and so forth. So these Is anticipating them, are the professionals and have all the knowledge on the background of this care. But thank you. Thank you. Josh.

[01:33:36] Speaker2

Thanks, Manny.

[01:33:37] Speaker6

You know, I mean, I guess I do have one question, and is there Is there anything that you could tell these concerned residents and the commissioners on the success that you have with these types of developments and getting people back out in to be a productive individual in the communities?

[01:34:02] Speaker7

Yeah. So like I said, we have we have a number of residential programs. We run three residential programs and two detoxes. Then we have housing programs for in, in Bend and Redmond. They are pregnant women who have been using drugs. Opiate use disorder folks? People with severe drug and alcohol issues in Madras. We have mental health, housing. And drug and alcohol free housing. So all of them. So we have a residential program in Madras one in Redmond and one in Cape Falls. So so all those have, you know, started out with substantial neighbor concerns. And now when we're there, we we're not hearing those concerns. We don't have those concerns because they're the folks that we're serving now have the supports that they're not. The problems in the neighborhood, unlike a shelter where you're not getting that constant support for their needs. So and, you know, the story is that when we went to open a large facility in Klamath Falls and it was unfortunately, the it was across the street from a middle school. So the school superintendent drove up to our program in Madras and and asked people ask the neighbors about our program in Madras. And they said, we don't know anything about it. It's quiet. It doesn't disturb the neighborhood. So that's our goal. That's what we try to do. So If that's her goal.

[01:36:23] Speaker4

If I could I. I have a question? Sure. One of the concerns raised is about drug abuse. And from what I'm hearing, the concerns that these neighbors have relate to the shelter. And I don't know if that's a if that's a barrier shelter or not. But is this is is being clean and sober. Part of the requirement of living in these in this facility, in one of these houses, or at least they're trying to be maybe.

[01:36:57] Speaker7

Yeah. I mean, I think the goal is at least they're trying to be. I mean, I think, you know, again, I know of some of the individuals they're talking about, they're just those they would not. Like some of the individuals that have been named, frankly, would not be eligible for this program. And that's unfortunate, but they they're not. We don't have enough on them, you know, support on them to get them engaged in that kind of facility. So you know, I, we need a certain level of stability, a minimum, and then providing the permanent housing with daily supports and getting them on their medications, keeping them on their medications. And and I can't have rampant drug abuse to keep them stable because that doesn't work very well with with schizophrenia and with the other major mental illnesses.

[01:38:10] Speaker1

What if they do?

[01:38:13] Speaker7

So so ultimately I would have to get them out of the facility because I'm concerned about the other people there too. Because if I have a highly disruptive person there, it's, you know, one really bad for the neighbors, but also bad for the other individuals in the program there. And so you end up having to make a hard choice that those people have to leave.

[01:38:43] Speaker14

Thank you.

[01:38:47] Speaker1

Anything else?

[01:38:51] Speaker2

I do want to kind of clarify some of the land use part of it. So we're hearing a lot about use. This is a little unique in the fact that you have a facility that's basically developing housing outside the facility before the facility. So it's kind of this it's commercial, but it's not. It's it's residential. And so if this that's what I was saying. When these are together like, say, Rimrock on ninth Street kind of does the same thing, but for youth. That's what's kind of getting mixed here. So they're housing something. The shelter comes into play because these these people have experience with that over the last 13 years or so. And that I remember when we approved that one. But that has been an issue. We know that's been an issue. We know the park's been an issue. So you're hearing a lot of this stuff. It really has nothing to do with what they applied for. Except for the fact that we know what the use is going to be, and that's what everybody's going to be concerned with. They could simply buy that trailer park and use it. Right. That's an option because we don't control how people rent things. This is going to be an issue no matter where this if they move over and do this in a residential zone, you're going to have the same type of concerns.

[01:40:03] Speaker2

It's a different application potentially at that point. Is it a facility? Is it not? So part of my questioning in the staff report was basically, can we tie these facilities together? Is there a better way to do that? Is there a better location. Do we need to have larger conversations in the community about where that should be? Should we do it south near the fairgrounds or something? You know, in a big industrial area? Is there another site? We need a comprehensive kind of look at our community because it is a concern. It is a need. But what the application was for was for multifamily. So they want to build a multifamily complex. Regardless of who's operating that. My staff findings would still be the same. I don't believe we should put multifamily in commercial zones on highway commercial. So that is the land use side of things. And when you make findings, you can't really use how it's going to be used for the your decision. Even though that's in the back of your head and you're thinking about it, that the denial would not be based on that. I just want to make that clear, because the use is not what they applied for. It's multifamily. Any questions about that? Go ahead.

[01:41:23] Speaker14

Go ahead. Yeah.

[01:41:25] Speaker8

So we we applied for multifamily because that was the only thing that kind of fit in with the description of what the buildings were and how were they, how they were going to be used. So it's not it's not a state hospital. It's not a congregate care setting. These are places that we're going to let individuals live. And they just happen to be under treatment. It's not

[01:41:50] Speaker2

Right. And that's so, like, if this was.

[01:41:53] Speaker8

So if this was residential, then it would have been outright permitted.

[01:41:57] Speaker2

It still would have been a conditional use. Well, no, it would have been a type one. It would have been approved in a residential zone.

[01:42:03] Speaker8

So, you know, and.

[01:42:05] Speaker2

And that's and that's just the matter of fact of how that a lot of the residential stuff works now with clear, clear and objective standards and things with residential uses and all those types of things. This just isn't that. Now, had they applied for this with a facility. It would be a different application, be more of a medical office application, and then they would apply for it in the commercial zone. That's another way to do this. But they're not. They don't have that element as part of it like they would if they applied for it on where they're leasing. This would be a different application.

[01:42:43] Speaker4

But their funding is tied to that can't lease.

[01:42:48] Speaker2

Well, I don't know how the Ohe funding works. Apparently that's they have to own it to do it. And I get that. You can't really base decisions on value either. So that's just how that how that works. So yes, they are right there. Correct. They're really the only way they could have applied for it with what they wanted to build is as a multifamily development. And that's what we're reviewing. But like I said, the reasoning isn't the findings that I. I opposed it myself. Was based on that, not the use.

[01:43:23] Speaker14

Right. Okay.

[01:43:25] Speaker1

Anything else before I close it?

[01:43:30] Speaker2

I don't have anything.

[01:43:31] Speaker14

Okay.

[01:43:33] Speaker1

All right. I'm hearing is closed. Commission has discretion. Time and decision time.

[01:43:44] Speaker11

I see by the need for something like this. And I understand the issue with the funding, but I would rather see it on site versus off site like this across the street.

[01:44:02] Speaker5

I'm struggling with this, with the stack effect of the current problems that they're describing and potentially adding to it, struggling a little bit with the thought of. Nine individual. There really there isn't a way to manage them or keep keep them without having this this public nuisance problem.

[01:44:30] Speaker4

I my concern is that there. A lot of what we've heard this evening is based on the shelter, but the concerns about the shelter and that really shouldn't figure into this at all, because that's totally different. Entity. It's not the same company. It's not. I mean, I understand, I, I do understand your issues there, but this is not related to that.

[01:44:58] Speaker14

They they're people. Well, I don't give.

[01:45:02] Speaker1

A I look at look at it. We're reviewing it in regards to exactly. Does it Qualify for an exemption for the commercial zone or not.

[01:45:14] Speaker14

That's true. Correct.

[01:45:16] Speaker1

And I'm kind of leaning that it doesn't.

[01:45:26] Speaker2

So one of the points I think Jason made it earlier was what happens if they moved. You know, some of that convenience factor goes away. So there is some some issue there. Now they have opportunities to buy residential properties and and just repurpose them. That is another option for them to have. They there are they happen to purchase this one because they thought it would work well for them. But it's not like that is the only option they have. They, they currently do buy and own other places in town and use them. One good example is up on Crest Drive where they're converting a house to a duplex. I don't know what clientele they use in those, but they do exist in town. And as they mentioned, they have clients in the mobile park right next door. There are opportunities this OHA grant. You know, that that's their issue not ours. But the fact of the matter is, is it is it? I also look at it. You got a house, you got three houses, basically, and you tie up the middle. You just ruined any type of commercial effort on the other sides, too. They may live in their homes for a long time. It may not be anything for 20 years, but combine that could make a nice commercial site, as we've done with now the lumber yard. I keep calling it tight woods. They do have their issues with traffic because the buildings were currently there and their parking is terrible, but that is a kind of commercial uses you want to see on the highway?

[01:47:04] Speaker1

Yeah. I've, I've, I don't have a problem with What they want to put in because we do need it here in town. I don't think there's any question about that.

[01:47:15] Speaker10

So I do have an issue with building anything residential ish in the flood zone area. I mean, we plan for the 100 year flood, and then Mother Nature does whatever it's going to do. And while it would be awful to have a, you know, I feel for the building owner, if a commercial property got ruined, I would not want to have to, you know, say, hey, we let people go live in this flood zone area. So I do have some concerns with the the flood zone. And then just more pedestrian traffic along the highway just does not seem like a very wise thing. I know people are already out there walking along the highway, but I don't feel like that's something I want to support more of, kind of knowingly putting it out there.

[01:47:59] Speaker14

Okay.

[01:48:03] Speaker1

Anything else? There isn't anything else. We were hoping for a motion.

[01:48:14] Speaker4

The staff report and record of tonight's proceedings are hereby incorporated as findings of fact and cue. 202502 and findings of fact in opposition to this application. I move the request be denied based upon findings of fact and opposition to the application.

[01:48:35] Speaker14

Okay.

[01:48:37] Speaker1

Well, you had a motion. Do we have a second?

[01:48:39] Speaker10

I'll second that.

[01:48:40] Speaker1

We got a second. Those in favor? All right. All right. Opposed?

[01:48:46] Speaker2

Can we do a roll call real quick just because there are technically on. Okay. On audio.

[01:48:54] Speaker14

Okay.

[01:48:57] Speaker2

Ron.

[01:48:58] Speaker11

A motion in favor of the motion. Yes. There we go.

[01:49:04] Speaker2

Jason.

[01:49:07] Speaker5

Yeah I agree.

[01:49:09] Speaker14

Marty.

[01:49:10] Speaker1

I'm in favor of it.

[01:49:11] Speaker2

I Priscilla is I and Erica I agree. Okay. So motion is denied. I will put together a final decision for you, Marty. There were no changes to the conditions. Findings were based on the findings of fact in the staff report. So I will put that together and get your signature and get it out to the applicant. They technically have 12 days to appeal after that which the appeal would go to City council.

[01:49:40] Speaker1

Okay. Good enough. All right. Moving on. Planning commission matters. Questions? Comments, transportation shifts and planning.

[01:49:57] Speaker2

Let me get my notes in order here. Based on our last meeting talk transportation assistance plan, where they're basically want to get a nod from you guys to move forward with a scheduling the public hearing.

[01:50:17] Speaker4

I read through it and didn't find anything that stood out to me that need to be changed.

[01:50:24] Speaker14

Okay.

[01:50:25] Speaker2

Just if there wasn't anything. So basically, we're at that kind of that inflection point where I need to start noticing for the state and get a hearing going for potentially at this point, it would probably be in August for our meeting. With that, unless you guys had anything you wanted. I remember Joe had some comments on the some rewording, but that was pretty minor.

[01:50:52] Speaker11

For the transportation plan.

[01:50:53] Speaker14

Yeah.

[01:50:55] Speaker2

So if you had anything you wanted me to look at or update before I posted it to, so what do I have to do is a 35 day notice to the state. I post the plan, I post the chapter six updates, I post the I have some code amendments I need to do. If there's no changes to those then we will move forward.

[01:51:18] Speaker11

One question. I understand the frontage road for down at the Y, for the access to the businesses on the south, but what about the businesses on the east and Les Schwab on the west?

[01:51:33] Speaker2

Those were a comment. So they're they are accommodating. I wish I had that plan in front of me there, that that plan was a better concept than we've had before. It's by no means engineered, but there's a frontage road on both sides of the Y for access. They're shown on there and into the Les Schwab. They have access points.

[01:51:53] Speaker11

There's not lots of colored lines, but I can't tell what's what.

[01:51:56] Speaker14

Oh, actually.

[01:51:57] Speaker2

I think I have it I think I do have it.

[01:51:58] Speaker14

Here.

[01:51:59] Speaker1

I think I have to go through the same thing again to.

[01:52:02] Speaker14

Review.

[01:52:03] Speaker2

Yeah, and I hope I. I blew it up. My copy is going to be tiny.

[01:52:07] Speaker11

And the.

[01:52:08] Speaker2

Other

[01:52:08] Speaker11

So that I was suggested the other day. Actually, today there's discussion about a roundabout at Peters and Main. I am not convinced that's the best option for that intersection. But the other part of the equation is rather than do I don't know what the time frame is, but the suggestion was to get Peter's and Combs flat opened and see what that does to that intersection.

[01:52:36] Speaker2

Oh, yeah.

[01:52:36] Speaker11

The suspicion is that it's going to considerably take a lot of pressure off of that intersection to begin with. Now, I'm not saying it doesn't need some control, but I, I think especially with the whole and that's there beside the road and all the stuff that's there that you'd be better off with a light.

[01:52:55] Speaker2

So

[01:52:58] Speaker23

That is. I gotta get this out of here. There we go.

[01:53:07] Speaker2

Okay, first the. Why? So there is. You got that. That funny frontage road here. They're trying to figure this out. There's little connecting drives that come into here, especially to this site. That's what they have on the plan. And there's another connecting drive off of here to to serve Les Schwab. Those of course, would probably be altered in some fashion to, to serve what needs to be done. So that is by no means a final design. That's like a 30% concept for the roundabout we wanted when we when we did the TSP, we wanted a better solution instead of kind of the pie in the sky concept. We thought we could work. We actually wanted something they took, they looked at and said this would actually function under Odor standards. So some of those frontage things would have to be figured out. But like if you look in here, you can see the the little driveway connections. I don't know. Maybe that works. I'm thinking there's going to be another frontage road on this side too, but I'm not entirely sure.

[01:54:05] Speaker11

There's not enough room for a roundabout. That's big enough for the amount. For the size of the traffic.

[01:54:09] Speaker23

Well, you have like so you have.

[01:54:10] Speaker2

This existing road. This this this is not part of the roundabout. The roundabout would sit in here. So you you you might just leave that open and have it merge back in something like that. Yeah. So I kind of fully expect that to happen. Rather having these funky driveways coming out that wouldn't serve it well.

[01:54:29] Speaker1

Well my feeling on that is it's a roundabout. Now take the east there where you've got the. East moving east there. Yeah.

[01:54:43] Speaker2

Well you want to move.

[01:54:44] Speaker23

It this.

[01:54:44] Speaker14

Way.

[01:54:45] Speaker2

No no no no, you move.

[01:54:46] Speaker23

It west.

[01:54:46] Speaker1

There. Move it down. Yeah. So it gets more round on the west. Go ahead and and round it out. And that way we don't tear out the whole thing and have to rebuild the whole thing. We only have two little yeah, two projects instead of

[01:55:05] Speaker23

So we've discussed.

[01:55:06] Speaker2

An interim solution before they do the big one. Odor is never interested in doing things like that, simply because it's like, if we're going to spend \$2 million, let's spend five and just do it right. And that's and then so that has never come up. I mean, it has come up before. And so this this and the TSP, we want the ultimate solution. Now it doesn't mean we can't do an interim, but it wouldn't be funded through Stcs and that type of thing. Remember this is going to be how we do our methodology for system development charges. So you don't generally put temporary fixes in here. Just like in Tom McCall, we we had the ultimate solution. We didn't have all the stop signs and the other turn lane type stuff in it. So point well taken. That is a depending on this transportation bill going through right now. Maybe that's a solution that, you know, they don't have money to do things, and they do start doing a lot of interim stuff. I don't know, but that is something we've talked about. The biggest issue we have here is this merge lane. Really hard to see right.

[01:56:06] Speaker14

Yeah.

[01:56:07] Speaker2

And this t.

[01:56:09] Speaker14

Well.

[01:56:09] Speaker11

The the you're calling it what it needs to be but it's.

[01:56:13] Speaker2

It's not a merge.

[01:56:14] Speaker11

Yeah.

[01:56:14] Speaker2

It's a yield. And people.

[01:56:16] Speaker23

Just.

[01:56:17] Speaker11

Merge because especially with those of us that don't have a back window look through with.

[01:56:23] Speaker23

The.

[01:56:23] Speaker11

You can't homes and.

[01:56:24] Speaker23

Stuff.

[01:56:24] Speaker11

Can't do it. Once you get far enough in you're that you're there. Yeah. Now you're blind and you're crowding into traffic. And sometimes traffic lets you and usually it lets you in, but sometimes it doesn't.

[01:56:34] Speaker4

Yeah, it usually does because you're.

[01:56:35] Speaker14

Bigger.

[01:56:36] Speaker2

You're bigger and they.

[01:56:36] Speaker23

Move.

[01:56:36] Speaker11

Back. Actually, you'd be surprised how many cars run through that parking lot to make sure they get in front of the big trucks.

[01:56:41] Speaker14

Yeah.

[01:56:42] Speaker11

Got to be in front of the big truck.

[01:56:43] Speaker14

Yeah.

[01:56:44] Speaker2

This little donut curve here is a problem too, because you have people coming through slowing down right as they're merging.

[01:56:50] Speaker14

And it's.

[01:56:50] Speaker1

Well that's where.

[01:56:51] Speaker14

I'm. Inflection point.

[01:56:52] Speaker1

You curve that out.

[01:56:53] Speaker14

Yep.

[01:56:54] Speaker11

So I don't have a problem with that one because you can. I can see that's on my side of the track.

[01:57:00] Speaker2

I can see what? Man. Life. When they don't use their blinker and they just go. They just hit the brakes. I mean, it's like I've nearly gone into this barrier trying to avoid them. But anyway, there's a lot of different concerns with this. Marty's points will take and you could do an interim solution to fix it. It's a lot of money to do that also. So it's kind of they way that.

[01:57:21] Speaker14

You.

[01:57:21] Speaker11

Need that much to actually move that curve down and leave the rest of it alone.

[01:57:27] Speaker2

Which over here.

[01:57:29] Speaker11

Move that down into the tree.

[01:57:32] Speaker1

And make.

[01:57:32] Speaker14

It.

[01:57:33] Speaker2

Yeah. If anything would go this way.

[01:57:34] Speaker1

Make it.

[01:57:35] Speaker14

Yeah, yeah.

[01:57:35] Speaker11

Make it bigger. Yeah. Into the tree.

[01:57:37] Speaker14

Yeah.

[01:57:39] Speaker4

You want the tree to go away?

[01:57:41] Speaker11

Well I do. One of the things I like about the tree being gone is because there's two. For those of us that have driven a long time, and especially with the trucks and stuff, we're not we're picking our gap coming. We're as we're coming around in front of swabs. I'm picking the gap that I'm going to try and get into. It's clear up here, right. And I'm pacing myself to try and match that with the trees all leafed out. I can't see it.

[01:58:08] Speaker14

Right.

[01:58:09] Speaker2

So what we're hearing is Ron wants to destroy the Christmas tree in the flagpole.

[01:58:12] Speaker14

Yes. Yeah, that's what I trim it up.

[01:58:16] Speaker4

And we're going to have to move this first move.

[01:58:18] Speaker14

Yeah.

[01:58:18] Speaker1

Move it a little ways to the West.

[01:58:20] Speaker11

The Spurs, because the Spurs are right there by the tree.

[01:58:22] Speaker14

Yeah.

[01:58:24] Speaker2

As far as Peter's this. Okay. So it could be either Ron, we got the right of way to do either. It's the right of way is currently designed so we could fit a roundabout. That is the preferred solution by the landowners. That's what they wanted. It's one of the reasons you got rid of the rail crossing. We started to design a signal, but the reason we were designing a signal was to accommodate the rail traffic, and it was kind of getting strange. So we went to the landowner and said, hey, if we design this differently, if we get rid of the rail, we have other options. We don't have to we don't have to design this the same way we can. We can give ourselves options in the future. And so they agreed to eliminate the rail crossing, which is now gone. And that allowed us to do a design for really both. It will kind of determine on traffic once Combs flat opens, this won't be as necessary until this property does something right.

[01:59:30] Speaker1

Well, we still need to get that road through there out to.

[01:59:35] Speaker2

And so that's this is kind of designed to either drop down here, drop down here or drop straight across. We also been working with these guys over here bringing a connection over. So. This is getting a little closer to figuring out what we're going to do. But this intersection, we're not going to build on our own. It's going to have to there's going to be a development that triggers that. And that development is likely going to be the housing development here. The roundabout was designed for truck traffic to go north south. So the aprons are widened so that you can still get out to the gravel pits and things low boys can go through. It wasn't so much east west because we didn't want you don't really want that traffic to go down and use main use 10th. Not go through the neighborhoods.

[02:00:31] Speaker11

Whatever intersections there needs to be useful for all four directions. Yeah, or we're wasting our money.

[02:00:38] Speaker2

Well, so we if we a normal truck would get through. We're talking the really big lowboy type vehicles that we don't really want. Running through neighborhoods as a direct line. So I mean, they would fit, but they would they'd have to go really damn slow. Whereas in north south, we specifically designed to allow those to cruise through. So you'll see the aprons and things. Now this is a 60% design. We stopped set it on the shelf and we'll look at it again in the future. But that's kind of what the plan is there.

[02:01:08] Speaker11

The other part about a roundabout is you're talking about going through really slow. Any of us are going through, they're really slow because if we don't you'll tip.

[02:01:16] Speaker2

Yeah.

[02:01:16] Speaker11

So tip over or we'll have a crash because we don't fit in the same gap as a car that's not going to get moving.

[02:01:24] Speaker2

And so the idea is to discourage large, you know, we're talking moving heavy machinery a lot of construction traffic from going east west, north, south. That's what we're trying to encourage. And that's why it's designed the way it is. And I can show you guys how it looks the 60%. 2%. But even if. Because if they come through here eventually, this workman's is not going to be there eventually this mill is not going to be what it is. And you don't want people running through Iron Horse in the park.

[02:01:54] Speaker11

Not out there with trucks.

[02:01:56] Speaker2

And that's that's the only place they have to go. So they didn't make a whole lot of sense to encourage that truck traffic. And what I mean by truck is the really large, normal semi travel.

[02:02:07] Speaker11

The other part of it is the.

[02:02:09] Speaker2

Truck would fit.

[02:02:09] Speaker11

Fine. If you make that a good enough intersection, a workable enough intersection, traffic would come from Endura and go up to that rather than go to town to get out of town.

[02:02:21] Speaker2

And some of that traffic could. What I'm saying is, like the large ones though.

[02:02:25] Speaker11

Well, there's no large, large comes out.

[02:02:27] Speaker2

So they have no problem doing it. They shouldn't.

[02:02:30] Speaker10

But what comes out of there are large living Quarter Horse trailers.

[02:02:34] Speaker2

Yeah. And that would be fine. We're talking we're talking.

[02:02:37] Speaker6

64.

[02:02:37] Speaker10

Main and turn.

[02:02:38] Speaker2

Right. And these it was designed for the large.

[02:02:41] Speaker10

To just cut across and not have to cut through town. I don't have one of those trailers. I dream of having one, but there are people in town that have trailers like that. And I always think, how do you get that around? So because even with my trailer that's like 30ft, it's still a pain to make, like the turn at Main Street and stuff like that.

[02:03:05] Speaker2

And Third Main is not designed for that. No, but this this would be. You should you wouldn't have any problem. You'll use the apron when you do it. Yeah, but you shouldn't have any problem going through it. It's a pretty big roundabout.

[02:03:16] Speaker11

It's all on how you set up for the intersection.

[02:03:18] Speaker14

Yeah.

[02:03:19] Speaker11

It's like we can make the turn at third and Main, but we just gotta pull out. We have to set up the intersection. And now with the bulb out, it takes four lanes to do it instead of three and a half. Yeah, I can do it.

[02:03:31] Speaker10

I just hate doing it. So sometimes I'll drive a slightly longer direction just to have.

[02:03:36] Speaker2

You need to go out jerky and go around.

[02:03:40] Speaker10

Sometimes, depending on where I'm going. Oh.

[02:03:44] Speaker2

So that. Yeah. So that's what's going on with Peters. And yeah, it'll be interesting to see how comes flat which should be opened.

[02:03:53] Speaker14

July 4th. Oh yeah.

[02:03:56] Speaker2

Maybe maybe I don't know. They're trying to plan some event. God dang it. Well, yeah, it really depends on how they want to do the ribbon cutting, because they said now they want to do some ribbon cutting. I didn't think they were going to do that. And now they're going to be like, okay, so are we going to delay the opening of a finished road to do this?

[02:04:13] Speaker14

I don't know.

[02:04:14] Speaker2

We'll see. Any other questions on TSP? Are you guys ready to kind of move forward?

[02:04:21] Speaker4

Yeah. Put it out for the public.

[02:04:23] Speaker2

If you have any last comments, just email them to me and I can. I just wanted to get a document that was relatively set before I posted it. Okay.

[02:04:35] Speaker1

That's it. Okay. Anything the commission would like to discuss?

[02:04:38] Speaker14

Yes.

[02:04:41] Speaker4

I finally am getting.

[02:04:42] Speaker24

A new street.

[02:04:43] Speaker14

Yes, yes, yes.

[02:04:45] Speaker2

Priscilla argued long enough.

[02:04:47] Speaker4

I'll be dropping off a thank you notes case.

[02:04:49] Speaker2

Yeah, she argued long enough that we got around to repaving the street. Has nothing to do with her squawking.

[02:04:57] Speaker1

Okay. Director's report.

[02:05:00] Speaker2

Not much to talk about other than the kind of the projects finishing up. So the big ones were trying to get open by the end of this month. Specifically is Laughlin. That's been a.

[02:05:11] Speaker4

Bottleneck.

[02:05:12] Speaker2

It's been causing a lot of the traffic on Third Street because we've been trying to flip those back and forth. We're going to do it one more time as they pave. It's going to be a little bit of a nightmare. We're trying to get thing paved and open before Round-Up weekend, so we can shuttle that.

[02:05:30] Speaker14

Through.

[02:05:31] Speaker4

To less than two weeks.

[02:05:33] Speaker2

Yeah. No. Yeah. It's this is we're like, right there in the cusp. Try to get that thing open by that time. We we flip from doing a partial pave to a full pave, and and that's one of the reasons.

[02:05:46] Speaker4

So you do whatever you want.

[02:05:48] Speaker2

So hopefully Loughlin will be open by the 25th or so, 26th. And then they're going to be paving. Well, they're paving combs right now for the second lift. And that is intended to be open sometime in early July. Which.

[02:06:06] Speaker14

Is what.

[02:06:06] Speaker4

We saw when the the ribbon.

[02:06:07] Speaker14

Cutting.

[02:06:08] Speaker2

Yeah. I don't know how that's going to affect things, but we're trying to get the the contractors trying to get it done by the fourth. So it's it'll be finished striped everything in go through a punch list and have that done. And it'll be pretty. See how that traffic works. See how it affects things. So that'll be good as well. Is, I think, on par. We finally got a somewhat of a straight hole that we can actually case and, and go with. So that one's that well project up there where you see all the dust going. That one's getting close to being done.

[02:06:39] Speaker1

At.

[02:06:39] Speaker14

The airport.

[02:06:40] Speaker2

Yep. So those are two big projects we have development wise is fairly quiet. Polish Homes is going to move to their seventh phase. And, you know, we got that Iron Horse subdivision you guys approved a couple months ago commercially. Not much going on except for the stuff that's already been approved and the, you know, the apartment complexes that are still building, but not much coming in the queue.

[02:07:11] Speaker4

Can I circle back to anything the commission would like to discuss? Yeah, because it just occurred to me to ask about the whole biomass.

[02:07:19] Speaker2

Oh, I should bring. Okay, good. Good point. On the 24th, the council will make a decision. So we had a workshop last Monday. I believe it was with the public again. Surprisingly, the not a lot of I think 30 or something people show like signed up to show up, but then they didn't like.

[02:07:39] Speaker14

Forgotten.

[02:07:40] Speaker4

About.

[02:07:40] Speaker14

It.

[02:07:40] Speaker2

Now four people talked about it. But at that meeting I gave another presentation, kind of gave my direction. My direction was essentially, if you don't plan on proving the the USB expansion, then just deny both. I will take the EOA, the part that we have to finish and do back to the consultant. We wouldn't. I mean, there is some opportunities to make it better now that we don't have something influencing it. And so I've talked to them already. They're kind of waiting. Basically be the same. But I think some of the numbers and some of the needs analysis would change and then bring that back through without the influence of the UB expansion. We can get the EOA adopted while they look at different sites, if that's what they want to do.

[02:08:30] Speaker14

I saw something.

[02:08:31] Speaker4

On Facebook from, Jason Bibby was saying he liked. He liked the idea of having it up by the.

[02:08:37] Speaker2

So the landfill.

[02:08:38] Speaker14

Landfill.

[02:08:39] Speaker2

The landfill is is came up. Is there as an is there.

[02:08:44] Speaker14

What.

[02:08:44] Speaker4

No there's no rail up there.

[02:08:46] Speaker2

Well that's that's one of the questions, you know. Did we really need it? I mean, that's what this application was all about. That's why they picked the location. That's why it had to go there. There was some question kind of came up like, well, what if you're only using 20%, which was mentioned at one of the hearings? How important is that? Can you economically offload at the rail depot and truck it up? If it's just to, you know, a mile and a half or so, is this how necessary is it? What are the advantages of the you know, they didn't go through, they dismissed the the landfill actually early on saying that it wasn't it didn't have enough room, didn't have water, didn't have sewer, which isn't actually true. It does have water and sewer available. It's right there next to Facebook Look and and the county has confirmed there is enough area. So. Okay, new things came up new. The county actually started mentioning these things to us, like, hey, you know, this is actually a possibility. They have a need to eventually do something with their methane. So all these different things started to come up, and that's what spurred this whole shoot. Maybe that's maybe we need to take a closer look at the landfill.

[02:09:54] Speaker11

But is there a reason that it needs to be within the, you.

[02:09:58] Speaker2

Know, and that's the other thing is, is it never did. That was came up early on is they they could have they could have went and applied for it in the county at the site they were looking at, built it. If they got it through they would have had the same issues. But they wouldn't have had all, you know, city, county, state. It would just be a county decision. And then at some future date, we could expand the UB if they needed services or, or whatnot for that purpose, they could do the same thing at the landfill. They could build it on, which is already zoned industrial. They could apply that tomorrow. Would the Perma make it work without the potential for that rail service? There was some advantages to being down there and without those, although they were expensive. So there's that way, you know, they're they're going back and forth on those types of things. But it doesn't have to be in the city. It doesn't have to be in the UTB. Part of the reason they really wanted it in the UTB also was the auxiliary use. Yeah. The idea was that something was going to be built with this. There there were companies on the hook for that. They were right there waiting. And that was part of the onerous, which is not a really good reason to go do something. It's kind of like one of those value things. Right?

[02:11:16] Speaker11

Kind of an auxiliary use.

[02:11:18] Speaker2

Data center or we have a there's wood products industry doing a mill. We've had a couple of leads come through asking for that type of thing, but they can't. So like a data center wants to come into town right now, they cannot get power. They can't get in the queue to get power right away. So this was an idea to bridge that gap. I can plug into this system. I can get 30MW in the near term. And then while Pal is working on their blueprint project, in ten years, I'll be able to switch over.

[02:11:53] Speaker1

Well, there's one other thing that if the city approves the expansion, it still has to go through the county and be approved by them.

[02:12:03] Speaker2

And that was another concern. And so that's what this county, the council is going to weigh on, whether they want to defend their decision or if they want to just pull back and relook.

[02:12:13] Speaker1

This county may not approve it.

[02:12:15] Speaker2

They might not.

[02:12:16] Speaker4

One other thing is, what about the well, I drive I drove by there this morning.

[02:12:22] Speaker2

Yeah, that was the well it.

[02:12:23] Speaker14

Should be I.

[02:12:24] Speaker2

Is it.

[02:12:25] Speaker14

Finished.

[02:12:25] Speaker4

Going straight finally. I mean, are they going to get it?

[02:12:28] Speaker14

It's close.

[02:12:29] Speaker2

It's it's good enough.

[02:12:32] Speaker4

I drove by there this morning and I thought, good grief, they're still drilling up there.

[02:12:36] Speaker14

Yeah.

[02:12:36] Speaker2

It's they drilled it four times. Yeah. They were within tolerances going everywhere. I believe they're with intolerances. This time it is a 400 some odd feet hole and they have about six feet of deflection up to the bottom. That's that's pretty good for 400ft through rock.

[02:12:51] Speaker4

So I just want to drive by there and see that rig still sitting there.

[02:12:57] Speaker14

Oh they've been.

[02:12:59] Speaker4

Throwing dust in the air I can't help but.

[02:13:01] Speaker14

One.

[02:13:01] Speaker2

Yeah they've been they've been playing with that one for a while. So they think they finally got it.

[02:13:06] Speaker4

Is the other one working right now.

[02:13:08] Speaker2

And the other well is up and running. Yeah. New pump and everything.

[02:13:13] Speaker14

Good. Yeah okay.

[02:13:15] Speaker2

So that's all I have. Any other questions?

[02:13:17] Speaker14

Anything else?

[02:13:18] Speaker4

Well, please, let's go home.

[02:13:19] Speaker1

Are we ready to adjourn? Okay. We're adjourned. Thank you.

END OF TRANSCRIPT



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City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT FINAL DECISION (DENIAL)

APPLICATION DATE: May 6, 2025

HEARING DATE: June 17, 2025

PROJECT NUMBER: CU-2025-102

APPLICANT: Pinnacle Architecture / Mark Rossi
1001 SW Disk Drive, Ste. 105
Bend, OR 97702

OWNER: Bestcare Treatments Services, Inc.
P.O. Box 1710
Redmond, OR 97756

PROJECT REVIEWER: Joshua Smith,
Planning Director

APPLICABLE CRITERIA:

City of Prineville Code of Ordinances, Title XV – Chapter 153 – Including Sections: 153.009, 153.014, 153.020, 153.036, 153.037, 153.051, 153.081 -153.096, 153.135 – 153.138, 153.190 – 153.200, 153.250 - 153.261.

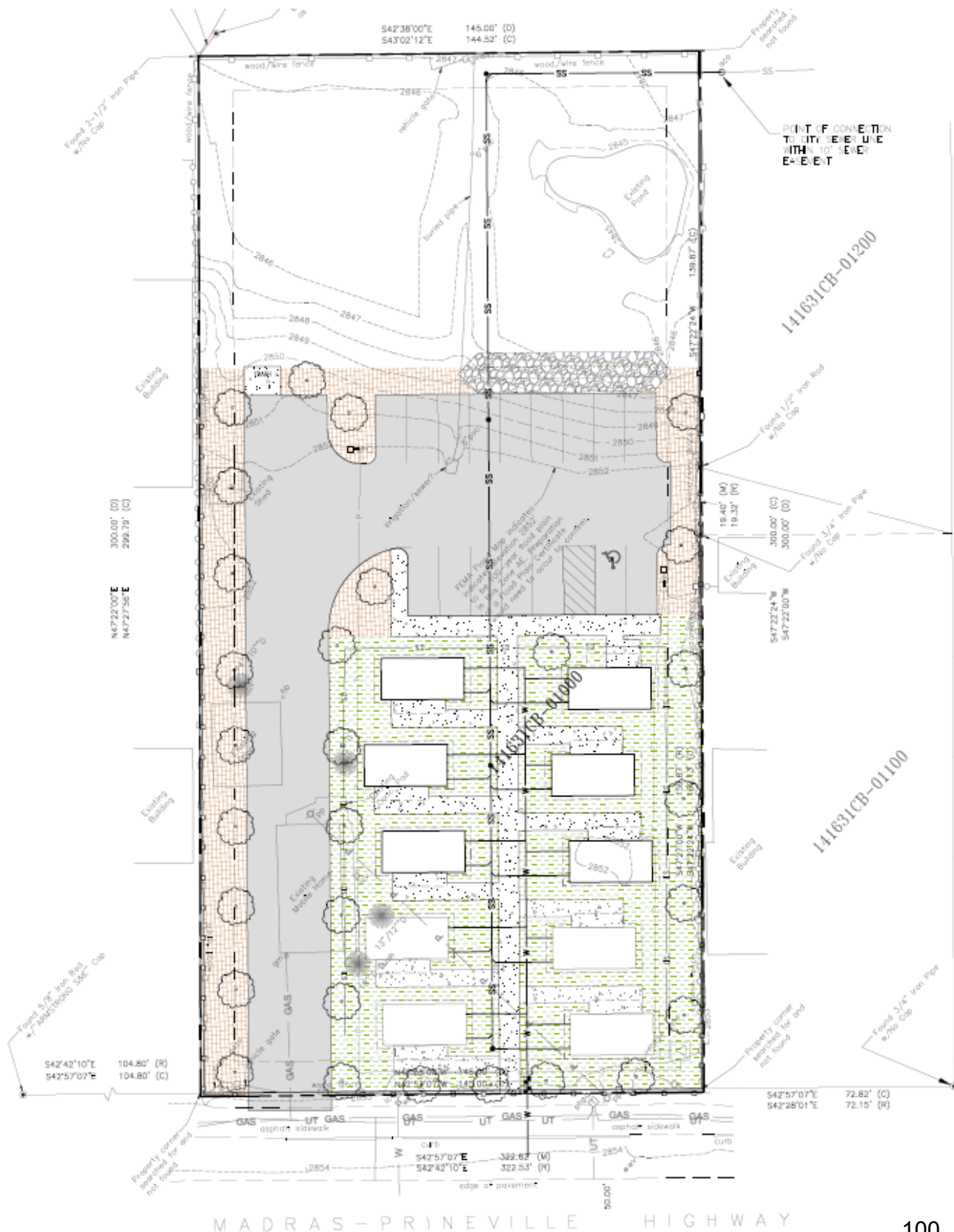
FINDINGS OF FACT:

1. **LOCATION:** 996 NW Madras Highway, Units 1-10; Map & Tax Lot 141631CB01000.
2. **ZONING:** The property is zoned General Commercial (C2) and is designated Outlying Commercial on the Comprehensive Plan map.
3. **LOT OF RECORD:** The property has been determined to be a legal parcel by deed.
4. **SITE DESCRIPTION:** The property is one acre and is currently vacant. It was previously developed with a single-wide manufactured home, that has been removed. The parcel fronts along NW Madras Highway and is relatively flat, except for about a third of the property toward the rear that is in a low-lying floodplain area. The location is flanked by single-family homes, with vacant property to the rear owned by the City. The opposite side of Madras Highway is developed with commercial uses. A 2024 aerial image of the site is shown on the next page.
5. **PROPOSAL:** The applicant is proposing a 9-Unit, Multi-Family housing complex in the General Commercial (C2) Zone to house clients of the BestCare facility across the Hwy. A 10th structure will be used for an office with restrooms and laundry facilities. The plan will include all the associated improvement requirements of the City’s multi-family complex code; such as paved access, water, sewer, parking, landscaping and pedestrian improvements. A copy of the applicants proposed site plan appears following the aerial image.

Site location and proximity to Best Care Facility.



Proposed Site plan. Phase 1 is the six rear buildings, including all other site improvements. Phase 2 is the four front buildings.



6. **COMMENTS:** Notice was sent to neighboring property owners beyond the standard 100 feet to account for the area of impact and street rights-of-way. Notice was sent on May 14th, 2025.

Neighbors – At the time this staff report was written the City has not received any written comments. Verbal comments were received from neighboring homeowners in opposition to the development.

Fire – Crook County Fire Department reviewed the proposal, and the Fire Department provided comments requiring the applicant to provide a site plan focusing on any access and water supply requirements found in the Oregon Fire Code.

ODOT – Provided comments about frontage improvements specific to drainage, pedestrian walkway, parking and access.

7. **FINDINGS SUMMARY:** The plans submitted by the applicant are the foundation of this application. This property is currently zoned (C2) General Commercial. A multi-family development is a Type 2 Conditional Use in the C2 zone. Staff does not agree that a very low density, stand-alone multifamily development on vacant Hwy commercial C2 zoning; is compatible with the comprehensive plan or the purpose of the zone. Staff believes this project is better suited within the existing BestCare facility on opposite side of the Hwy.

If approved the development will be assessed system development charges (SDC) for water, sewer, traffic and parks. The applicant's proposal is meeting all dimensional standards including setbacks, lot coverage, height, landscaping and parking. As a multi-family development, the proposed design is unique, but adequate to meet the intent of the City's design review code. Open space and landscape areas are proposed around the property and along the street to provide screening and an attractive look and feel to the site. The applicant shall connect the buildings to City water and sewer and other utilities. All utilities shall be placed underground. The applicant shall adhere to all standard fire life safety requirements, including hydrants and marked fire lanes. All access, maneuvering and parking areas shall be paved in accordance with City standards and all stormwater drainage shall be maintained on site. Clear vision areas shall be maintained at all times and floodplain standards shall be adhered too.

8. **HEARING SUMMARY:**

Staff: The Planning Director gave a presentation describing what the application is for and how it will be used. The Director explained that as a multi-family development the project would meet the clear and objective standards for approval, however; the Director did not find that the project was compatible with the comprehensive plan or the purpose of the C2 zone. The Director stated that the project would be better suited within the existing treatment facility and recommended the application be denied based on the findings stated in the staff report. At the end of the public hearing and during commission deliberations the Director clarified that the decision needs to be based on the land use request for multi-family housing in a commercial zone and not on who may use the housing. If the housing were part of the treatment facility the conversation and application would be different.

Applicant: The applicant's representative (Lani Hickey) began by stating this type of application is allowed by the comprehensive plan if approved through a Type II conditional use process. Lani mentioned that there was a lot of residential in the area, the housing project would be well kept and was close to the treatment facility.

Rick Treleaven (BestCare CEO) submitted a letter into the record that provided context on who would be using the housing and why. Rick stated that placing the housing within the existing leased facility was discussed; however, the state funding for this project would not allow the housing on land they did not own. Rick clarified that the property was purchased with state funds and if the project did not move forward the property would need to be sold and money returned to the State.

Throughout the applicant's initial presentation and through the rebuttal the applicant continued to express the need for the housing and assurance that the project would be managed well, based on other facilities that they manage. They stated that an on-site manager is not proposed, but could be provided. The applicant also stated that this is not a homeless shelter and the intent is to transition people to other permanent housing when treatment is complete.

Public: Ten members of the public spoke in opposition, with none in favor or neutral on the proposal. The opposition was almost entirely about safety, regarding the proposed inhabitants of the housing units. The citizens spoke about numerous issues they have had with the clientele of the BestCare facility and the men's homeless shelter. They expressed serious concern over the mental stability of these individuals and their personal safety and safety of their families. Many expressed that they understood the need, but felt it should go elsewhere and not be concentrated in this area.

Commission Deliberations: During the public hearing the Commission asked the applicant several questions. Many of the questions revolved around site management, such as how other sites are managed, whether there would be an on-site manager, how food is provided and whether residents are required to be off drugs and alcohol. There was some discussion about foot traffic, access across the highway to the treatment facility, end of life for the project and whether it was possible for the treatment facility to move negating the convenience of having the housing nearby.

After the hearing was closed the Commission had a short deliberation. One commissioner stated they understood the need for the housing but preferred to see it on the site of the treatment facility. Another commissioner felt it was not prudent to put more residential near the floodplain or adjacent to the highway. Two others expressed the need to focus on the issue of residential in a commercial zone and not who would be using the property.

Decision: Priscilla Smith made a motion in opposition to the application based on the findings stated in the staff report. Erika Montgomery seconded the motion, and the motion passed with a roll call vote of 5 in favor and none opposed.

DECISION

Application **CU-2025-102** for a nine (9) unit multi-family development in the C2 zone is hereby **DENIED**. This denial is based on the findings stated in the staff report and more specifically set forth below:

FINDINGS FOR DENIAL:

1. The application is not compatible with the Comprehensive Plan due to inefficient use of commercially zoned land for single use, low density residential purposes.
2. The application is not compatible with the purpose of the C2 zone. The C2 zone provides for commercial uses more desirable outside the downtown and more dependent on high traffic volumes. It also allows some types of heavy commercial and light industrial uses that are not compatible with residential uses.

THIS DECISION BECOMES FINAL AT 5:00 P.M. July 5th, 2025 TWELVE (12) DAYS FOLLOWING THE MAILING OF THIS DECISION ON June 23rd, 2025 UNLESS APPEALED TO THE CITY COUNCIL BY A PARTY OF INTEREST. A WRITTEN APPEAL ADDRESSING THE CRITERIA MUST BE SUBMITTED TOGETHER WITH THE APPEAL FEE TO THE CITY OF PRINEVILLE PLANNING DEPARTMENT LOCATED AT 387 NE 3RD ST. PRINEVILLE, OR 97754.

Marty Bailey:  Date: 6-23-25
Planning Commission Chair



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

APPLICATION DATE: May 6, 2025

HEARING DATE: June 17, 2025

PROJECT NUMBER: CU-2025-102

APPLICANT: Pinnacle Architecture / Mark Rossi
1001 SW Disk Drive, Ste. 105
Bend, OR 97702

OWNER: Bestcare Treatments Services, Inc.
P.O. Box 1710
Redmond, OR 97756

PROJECT REVIEWER: Joshua Smith,
Planning Director

APPLICABLE CRITERIA:

City of Prineville Code of Ordinances, Title XV – Chapter 153 – Including Sections: 153.009, 153.014, 153.020, 153.036, 153.037, 153.051, 153.081 -153.096, 153.135 – 153.138, 153.190 – 153.200, 153.250 - 153.261.

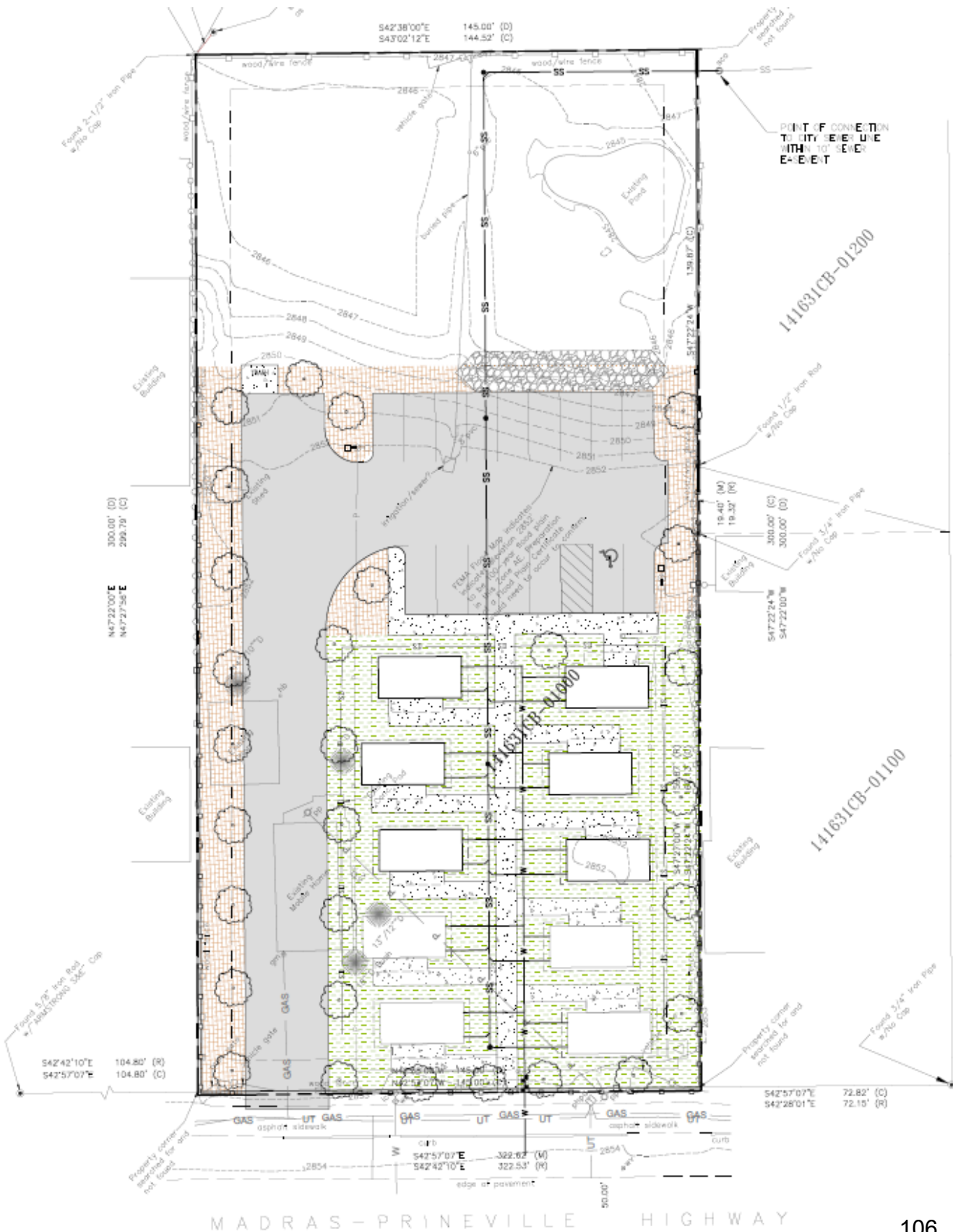
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Site location and proximity to Best Care Facility.



Proposed Site plan. Phase 1 is the six rear buildings, including all other site improvements. Phase 2 is the four front buildings.



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ODOT – Provided comments about frontage improvements specific to drainage, pedestrian walkway, parking and access.

7. **FINDINGS SUMMARY:** The plans submitted by the applicant are the foundation of this application. This property is currently zoned (C2) General Commercial. A multi-family development is a Type 2 Conditional Use in the C2 zone. Staff does not agree that a very low density, stand-alone multifamily development on vacant Hwy commercial C2 zoning; is compatible with the comprehensive plan or the purpose of the zone. Staff believes this project is better suited within the existing facility.

If approved the development will be assessed system development charges (SDC) for water, sewer, traffic and parks. The applicant's proposal is meeting all dimensional standards including setbacks, lot coverage, height, landscaping and parking. As a multi-family development, the proposed design is unique, but adequate to meet the intent of the City's design review code. Open space and landscape areas are proposed around the property and along the street to provide screening and an attractive look and feel to the site. The applicant shall connect the buildings to City water and sewer and other utilities. All utilities shall be placed underground. The applicant shall adhere to all standard fire life safety requirements, including hydrants and marked fire lanes. All access, maneuvering and parking areas shall be paved in accordance with City standards and all stormwater drainage shall be maintained on site. Clear vision areas shall be maintained at all times and floodplain standards shall be adhered too.

Criteria: 153.009 COMPLIANCE WITH OTHER RULES AND REGULATIONS.

(A) *Approval of any use or development proposal pursuant to the provisions of this chapter shall require compliance with and consideration of all applicable city, county, state and federal rules and regulations.*

(B) *The compliance shall be evident prior to the final approval of any affected land use or development proposal; for example, the compliance may be set forth as a condition of final approval.*

(C) *Specific city, county, state and federal rules and regulations that may affect a specific land use or development for which compliance therewith is required if applicable include, but are not necessarily limited to the following.*

(1) *Air quality standards administered by the State Department of Environmental Quality (DEQ) and/or the Federal Environmental Protection Agency (EPA).*

(2) *Noise pollution standards administered by DEQ and/or EPA.*

(3) *Water quality standards administered by DEQ, state Water Resources Department (WRD) and/or EPA.*

(4) *Sewage disposal regulations administered by DEQ, County Environmental Health and/or EPA.*

- (5) *Solid waste disposal regulations administered by DEQ and/or EPA, including those applicable to hazardous wastes.*
- (6) *Uniform Building Code administered by the City-County Building Department and State Building Codes Agency.*
- (7) *Surface and ground water withdrawals regulated by WRD.*
- (8) *Scenic area rules administered by the State Highway Division (OSHD), state parks and/or other state or federal agencies.*
- (9) *Access control and management regulations administered by OSHD and/or the County Road Department.*
- (10) *Surface mining regulations administered by the State Department of Geology and Mineral Industries (DOGAMI), DEQ and other state or federal agencies.*
- (11) *Wild and scenic river regulations administered by the State Parks and Recreation Department (OPRD), the U.S. Bureau of Land Management (BLM) or other state and federal agencies.*
- (12) *Cut and fill, and wetland regulations administered by the Division of State Lands (DSL).*
- (13) *Fish and wildlife habitat protection rules administered by the State Department of Fish and Wildlife (ODFW) and/or the U.S. Fish and Wildlife Department (USFW).*
- (14) *Applicable City and/or County ordinances, resolutions, agreements, regulating master plans or other land use decisions.*

Finding 1: There may be rules and regulations at a State and Federal level that the applicant is required to comply with. City approval of this project does not supersede those requirements. Compliance with these permits shall be a condition of approval and permits shall be received prior to development.

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.*
- (G) *As applicable, a city business license shall be required, and if a requirement, the continual maintenance of the license shall be a continuing condition of approval and failure to maintain the compliance shall constitute grounds for permit revocation.*
- (H) *Boats, trailers, travel trailers, pick-up campers, recreational vehicles, motor homes and similar recreational vehicles and equipment that is operational and licensed as required may be stored on a lot owned by the same person or family member, but shall not be used for permanent occupancy other than that permitted in 153.095 (D)(E)(F).*

Finding 2:

A,B) The applicant points to State-Wide Planning goal 10 as the reason this application is compatible with the City's Comprehensive Plan. However, goal 10 does not apply to commercially zoned land. Recent additions to the ORS, such as 197A.445 & 460 (affordable housing) also don't apply because this is not an affordable housing project and because the C2 zone allows some industrial uses. 197A.460 also doesn't apply on land that is vacant.

The City's comprehensive plan does not specifically allow residential development in commercial zones. The City's Comprehensive Plan speaks to providing residential uses in commercial zones under specific circumstances. Chapter 2, commercial policy 11; encourages the use of upper stories for housing development and utilizing land efficiently. This would promote the idea of providing housing on the vacant lot within the existing BestCare Facility. Chapter 7 (Housing), policy 14; provides opportunities for alternative land use permitting procedures for housing. This alternative is the type 2 conditional use process. This process provides an opportunity in unique circumstances, but not a guarantee. Residential proposals do not meet the purpose of the C2 zone, particularly when they remove viable Hwy commercial property from the City inventory. There is no local or state requirement for the City to approve this application based on housing need. It may be denied simply because it is in a commercial zone.

Staff believes this project is better suited within the existing facility and would support such an application. Staff does not agree that a very low density, stand-alone multifamily development on vacant Hwy commercial property is compatible with the comprehensive plan or the purpose of the C2 zone. Below are responses to the applicant's site selection considerations.

Applicant's site selection considerations:

The applicant's site selection considerations in their project overview raise many questions.

1. **Staff and Client Safety:** In this section the applicant is arguing that placing this facility on the current site would "pose potential safety and operational risks for both residence and staff". If this is the case, why is it being considered outside the facility and next to existing residences? The existing facility would be a more controlled environment and would still allow people to live independently.
2. **Site limitations and Future Growth:** In this section the applicant is arguing that siting residential uses on the existing site would limit their "ability to expand clinical services and future program needs". This is misleading, as there is vacant property on the site, existing utility connections and a sea of unused parking. The applicant, then contradict themselves by saying "investing federal grant dollars into a site not owned by BestCare is not advisable". If that is true, then expanding program needs presumably in new structures would also not be advisable. For that matter the opposite would also be true. Why would you invest public dollars in an off-site housing facility if you don't own the treatment facility it is meant to be serving?
3. **Asset Ownership and strategic investment:** In this section the applicant states that the State grant through OHA would encumber the property for behavioral health housing for a minimum of 20-years. This would lock up viable Hwy commercial property for the foreseeable future and furthers the argument of not using Hwy commercial property for residential purposes.

4. **Strategic Separation from Clinical Operations:** In this section the applicant states that BestCare is already using the existing mobile home community. Utilizing and improving existing housing would be preferable to developing new housing on commercially zoned property.
5. **Current Housing Accommodation Rationale:** In this section, the first paragraph demonstrates a need for more collaboration with the local legislative bodies to determine a more comprehensive solution to the problem. Due to the unique nature of this type of housing and with the use of public funds for this project and operations in general, the City and County should be more involved in how this affects the community. These types of decisions should not be left to a simple land use application. The second paragraph, makes another good argument for placing the housing within the existing facility “to provide long-term housing and appropriate support”. There is a need to provide this type of housing; however, staff believes it is better suited within the existing treatment facility.

C) If approved the applicant shall meet all local, state, and federal requirements, including obtaining occupancy permits from the Crook County Building Department.

D) Specific standards related to this multi-family development are listed in section 153.083(H). These specific standards are discussed further in Finding 9. Section 153.083(T) only applies to multi-family 4-plexes and below.

E) If approved, the proposal is not expected to exceed resources carrying capacities. The development will be assessed system development charges (SDC) for water, sewer, traffic and parks. Water and sewer SDCs are based on the size and number of water meters installed, which will be determined by the applicant’s construction drawings in coordination with the Crook County Building Department. A Parks SDC per unit is required by the Parks and Recreation District. Traffic SDCs are calculated on a per unit basis, based on the applicable multifamily trip count in the current ITE manual. SDCs are charged concurrently with building permits and therefore may change over time if individual buildings are constructed at different times.

F) If approved 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:

153.035 RESIDENTIAL USE TABLE

Conditional Type II use in C2 zone: Multi-family dwelling complexes of more than four units

153.036 RESIDENTIAL DIMENSIONAL STANDARDS

(Residential in C2 zone refers to dimensional standards of the R2 zone)

Minimum lot area:

Fourplex:	10,500s.f.
Additional area for each unit over 4:	1,500s.f.

Front setbacks:	10ft.
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Side setback:	5ft. (single story)
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Rear setback:	10ft.
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Building Height:	35ft.
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Lot Coverage:	35%
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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.*

Finding 3: The proposed use is a Type 2 conditional use within the C2 zone per city code. Residential development in the C2 zone does not typically meet the purpose of the C2 zone unless it is a mixed-use proposal. Typically, residential in commercial zones are developed above ground floor or in unique circumstances such as the Ochoco School conversion.

When residential development is proposed in the C2 zone, the dimensional standards refer to the standards in the R2 zone. The submitted site plan complies with minimum setbacks, lot coverage, and density standards. Requirements for parking, landscaping, public improvements, signs, use limitations and specific conditions are addressed in the findings below.

Criteria: 153.046 (I) Signs. *In an R-2 Zone, signs are permitted in accordance with the provisions set forth in Chapter 152 as amended.*

Finding 4: Signs for multifamily dwellings shall not exceed 32 square feet. Signs meeting the City's sign code are considered approved as part of this application. Sign proposals shall be submitted for review and code compliance, but are still made a part of this application.

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.*

(2) *This broad purpose is furthered by the following specific purposes of design review.*

(a) *To implement the goals and policies of the Comprehensive Plan.*

(b) *To foster development that is designed, arranged and constructed in a manner that provides a safe, efficient and aesthetically pleasing community asset.*

(c) *To encourage originality and creativity in site design, architecture and landscape design.*

(d) *To ensure required public and site improvements and ensure that the arrangement of all functions, uses and improvements of a development reflect the natural amenities, capabilities and limitations of its site and adjacent areas.*

(e) *To encourage development where the various structures, use areas and site elements are integrated in a manner that is visually harmonious within the development and the surrounding area.*

(f) *To encourage development and landscape design that complements the natural landscape and setting, improves the general appearance of the community and enhances specific elements of the manmade environment, both presently and historically.*

(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.

Finding 5: Design review is applicable to this application. The plans submitted by the applicant are the foundation of this application. The improvements and services required under the City's standards and specifications and land use code are anticipated to be constructed, and may not be called out directly in this report. As a multi-family development the proposed design is unique, but adequate to meet the intent of the City's design review code. The style of housing is unique to Prineville. Rather than having individual 288 s.f. studio apartments in one building, the units are detached from one another creating a very low-density development and inefficient use of land. However, this does reduce the mass of the structure making it easier to buffer and screen from neighboring properties. The proposed design uses a mixture of materials with some entryway articulation to break up the appearance of the structures. The site utilizes landscaping, fencing, parking and drainage areas to provide buffers to neighboring properties.

Criteria: (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 6:

1) The current right-of-way (ROW) for NW Madras Highway adjacent to this project is 100'. No additional ROW is required. ODOT has submitted comments with regard to access and pedestrian facilities. There is currently a paved off-street path and drainage and/or parking facilities along the Hwy that will need to be preserved and repaired if necessary after construction. Any required ODOT frontage improvements will also be required as a condition of approval.

2) If approved, the applicant shall connect to the City's water and sewer systems. There is an existing water meter to the site and a sewer connection out the rear of the property connecting to Studebaker. All other utilities such as power, communications, gas, etc., shall be extended underground as necessary to serve the site. All public infrastructure shall be constructed to City standards other than those requirements from ODOT that shall meet ODOT requirements. All on-site development shall meet Crook County Building Department and Fire Department requirements.

3) Landscaping is discussed in Finding 12.

4) All access, maneuvering and parking areas are meeting required dimensional standards and are proposed to be paved and shall be paved to the Hwy in accordance with City code and ODOT standards. This will be further discussed in Finding 10 & 11.

5) The applicant has submitted a drainage plan that meets City requirements to maintain all drainage on site and show safe overflow of the 100-year storm.

Criteria: 153.081 CLEAR VISION AREAS.

In all zones, a clear-vision area shall be maintained at the intersection of two streets, a street and a bike or pedestrian way and a street and an alley. A clear- vision area shall contain no plantings, sight-obscuring fences, walls, structures or temporary or permanent obstructions exceeding 2 ½' feet in height measured from the grade of the street centerline, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of 8 feet above the grade, and trunk diameter does not exceed 18 inches.

*(A) **Measurement of clear vision areas.** A clear vision area shall consist of a triangular area, two sides of which are measured from the corner intersection of the street curb or location where street curb would be located if the right-of-way were developed to full City standards (ignoring any corner radius) for a distance of 25 feet. The third side is a line across the corner of the lot adjoining the non-intersecting ends of the other two sides. The vertical clear vision area is the area above the triangle, between 2 ½' and 8' in height (10' if located along a designated school bus route). In the case of an intersection of a street with an alley or bike/pedestrian way, the measurement shall be made along the nearest edge of the alley or bike/pedestrian way to the intersection for a distance of 15'.*

Finding 7: Clear vision areas shall be maintained at all times and may be enforced at any time based on the requirements above or as amended. The applicant's site plan is showing open landscaped areas at the access to the complex that should meet this standard.

Criteria: 153.082 ONSITE LIGHTING.

(A) As part of any application for a development or any use within the City, all on-site lighting shall be designed, located, shielded or deflected, so as not to shine directly onto adjoining properties, impair the vision of a driver of any vehicle or be a hazard to aircraft operations within the area.

Finding 8: Lighting shall be shielded and focused downward to prevent light from directly shining onto adjoining properties or public rights-of-way. Additional shielding may be required to accomplish this.

Criteria: 153.083 STANDARDS FOR SPECIFIC USES

*(H) **Multi-family dwelling complex.** A multi-family dwelling complex permitted as a conditional use shall comply with the following standards and conditions, and the compliance shall be evident prior to occupancy except as may otherwise be approved by the city.*

(1) All such complexes with more than 20 dwelling units shall be so located as to have direct access onto an improved arterial or major collector street unless approved otherwise by the city.

(2) All such complexes shall provide both an improved ingress and egress.

(3) Each access road permitting two-way traffic and intersecting a public street shall have a minimum surface width of not less than 30 feet, and not less than 16 feet in width for single-lane, one-way traffic. Interior complex driveways shall not be less than 24 feet in width for two-way traffic, and not less than 12 feet in width for single-lane traffic. For interior driveways providing on-street parking, an additional eight feet of width shall be added for each parking lane or area. All access roads, driveways and parking facilities shall be improved and maintained with "durable and dustless surfaces" as defined in 153.086, and as approved by the City Superintendent of Streets.

(4) Sidewalks, walkways, bicycle paths and other pedestrian ways may be required. The walks, paths and ways shall not be less than four feet in width and shall be surfaced with concrete, asphalt, asphaltic concrete or paving bricks as approved by the City Superintendent of Streets.

(5) *The complexes may be required to provide storage facilities and/or extra parking spaces as deemed necessary to provide for tenant storage of household goods, equipment, extra furnishings and/or recreation vehicles.*

(6) *Each complex, and each individual unit contained therein, shall be serviced with public water and sewer, electrical power, receptacles for garbage disposal and collection service, and fire hydrants shall be installed as deemed necessary by the City Fire Department.*

(7) *Facilities for incoming and outgoing mail shall be installed in accordance with the requirements of the U.S. Postal Service.*

(8) *The overall density of the complex shall not exceed the dimensional standards set forth by the applicable zone, except as approved otherwise by the city in accordance with the following factors.*

(a) *An increase of 5% in the maximum allowable density for dedicated and improved open space equaling 25% or more of the total land area of the development.*

(b) *An increase of 5% in the maximum allowable density for the development and maintenance of an approved recreation and/or common use building or other indoor facility.*

(c) *An increase of 5% for a developed playground area*

(d) *An increase of 5% for a developed recreation area including a covered picnic area, basketball and/or tennis court facilities and the like.*

(e) *As an incentive for development excellent, a total increase of 25% may be permitted if three or more of the foregoing are provided.*

(9) *A complex shall provide recreational space of at least 2,500 square feet plus 50 square feet for each unit in the complex. The recreational space shall be improved with landscaping to provide open recreation and shall be secured from driveways and parking areas. Facilities such as picnic tables, barbecues and playground equipment are recommended.*

(10) *For any complex permitting tenants to have recreation vehicles, camp trailers, boats and similar recreational equipment, there shall be provided a separate, designated parking area for such uses at a ratio of one space per each three units in the complex.*

(11) *If each unit in the complex is not provided with clothes washing and drying facilities, and there is not a private commercial coin-operated laundry facility within a reasonable walking distance, then there shall be provided within the complex a separate laundry facility providing not less than one washer and one dryer for each six units in the complex.*

(12) *The total land area of the complex may be required to be surrounded, except at entry and exit locations, by a sight-obscurer fence or hedge not less than six feet in height.*

Finding 9:

(H)(1,2) – The applicant is proposing nine (9) dwelling units and therefore does not require frontage on an arterial or major collector street. There is a single access to the site, directly onto NW Madras Highway (Major Arterial). All access shall meet City and/or ODOT standards for a multi-family complex.

(H)(3) – If approved the applicant access will be determined by ODOT. The City minimum standard is a 30-foot access at the entrance and 24-foot two-way access lane to the proposed parking spaces.

(H)(4) – There are currently no sidewalks in NW Madras Highway along the property frontage. There is an existing off-street asphalt path along the property frontage that will remain and serves as the pedestrian walkway in this area. At some point ODOT may develop sidewalks to meet ADA standards, but this is not a requirement at this time.

(H)(5,10) – Due to the proposed use of the site the applicant is not proposing storage for household goods or additional vehicles, such as RVs or boats. As a traditional multi-family development, additional storage should be required for household goods, equipment and extra furnishings.

(H)(6,7) – All public and private utilities listed in this section are planned and shall be provided to each individual unit. Fire hydrants shall be installed to City and Fire Department standards. Garbage disposal shall be provided in coordination with City franchise service (Republic Services). Communal garbage disposal shall be within a screened enclosure as proposed. Mail service shall be installed in accordance with the requirements of the U.S. Postal Service.

(H)(8) – The applicant is significantly below the maximum density of the zone.

(H)(9) – City code requires multi-family complexes to provide recreational space as part of the 20% landscaping requirement. That space for this development would total 2,950 square feet and can be all in one place or provided for each individual unit or both. The applicant is proposing 125 square feet of individual space per unit and ~12,000 square feet at the rear of the property that could be used for open recreation.

(H)(11) – The applicant is proposing a separate shared laundry facility on site for use by residents.

(H)(12) – The applicant is proposing 6' tall site obscuring fence surrounding the property other than the entry and exit location.

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

(A) The provision and maintenance of off-street parking and loading facilities are continuing obligations of the property owner. No building permit shall be issued until plans are submitted and approved by the city that show property that is and will remain available for exclusive use as off-street parking and loading facilities as required by this section and this chapter. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the required parking and loading facilities set forth by this section and this chapter. It is not, however, the intent of these provisions to require off-street parking and loading facilities in a manner as to unreasonably limit improvements to existing structures and uses, particularly in that area identified as the downtown core commercial area.

(B) Applicability. Unless exempted by this section, all construction, reconstruction, enlargement of a structure or at the time a use is changed in any zone off-street parking facilities shall be provided in accordance with the requirements set forth by this section and section 153.086

Multi-family complex	2 spaces per dwelling for first 4 dwellings; 1.5 spaces per unit from 5 to 8 units; 1.25 spaces per each unit thereafter, plus 2 spaces for owner/manager.
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Finding 10: The development consists of 9 units, requiring 15 parking spaces. The applicant is providing 15 spaces including one ADA space, to be located to the rear of the complex. There is no official on-street parking available along Madras Highway.

Criteria: 153.086 OFF-STREET PARKING AND LOADING: DESIGN/IMPROVEMENT STANDARDS

(F) The following off-street parking development standards shall apply.

(1) Parking areas, aisles and turnarounds shall be paved with concrete, asphaltic or comparable durable and dustless surfaces as defined in division (E) of this section, or as otherwise approved by an authorized official of the City.

(2) Approaches to driveways providing ingress and egress to parking areas shall be paved with asphalt, asphaltic concrete or concrete surfacing and inspected by the City Street Superintendent. In the event that a serving street is not paved, the approach may be maintained to the same standard as the street until the street is paved.

(3) *Parking areas, aisles and turnarounds shall have provisions made for the onsite collection of drainage waters to filter contaminants and eliminate sheet flow of the waters onto or across sidewalks and other pedestrian ways, bike paths, public rights-of-ways and abutting private property.*

(4) *In areas that are duly designated for parking, parking spaces shall be permanently and clearly marked except as otherwise approved by the city.*

(5) *Wheel stops and bumper guards shall be provided where appropriate for parking spaces abutting a property line or building and no vehicle shall overhang a public right-of-way or other property line. Unless otherwise approved, parking spaces along the outer boundaries of a parking lot shall be contained by a curb which is at least 4 inches high and set back a minimum of 4.5 feet from the property line or by a bumper rail.*

(6) *Artificial lighting for parking areas which may be provided or required shall be shielded or deflected so as not to shine directly into adjoining properties, dwellings or businesses and so as not to create a hazard to the public use of a street.*

Finding 11: All vehicle access, parking spaces and driveways shall meet the above criteria and be paved as indicated above and shown in the applicant's submittal. The Fire Department does require a sign-off on a code compliant site plan prior to submitting for building permits.

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.*

(B) *Existing vegetation. Existing site vegetation may be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.*

(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 and/or the following:*

(1) *Multifamily dwellings & complexes: 20%.*

(2) *Downtown Enhancement Plan C-1 Zone.*

(3) *Parking lots. Parking areas shall be required to be landscaped in accordance with the following minimum requirements:*

(a) *In commercial and residential developments, parking areas shall be divided into bays of 12 spaces and between or at the end of each parking bay a curbed planter containing at least 16 square feet shall be required. Parking areas less than 12 spaces may require curbed planters as part of the landscape standard.*

(b) *Each planter should contain at least 1 tree and ground cover. An applicant may submit alternate plans for review and approval.*

(c) *The areas shall be designed to be protected from being damaged by vehicles using the parking area.*

(d) *Clear vision at the intersection within a parking area shall be maintained to provide adequate vision of vehicles and pedestrians.*

(e) *Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum 4 foot strip of landscaping.*

(f) *Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.*

(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.

(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 12: Multifamily complexes are required to provide at least 20% landscaping, which equals 8,712 s.f. for this property. The applicant's site plan illustrates 18,645 s.f. of landscaped areas including turf, mulch, shrubs and trees. Additional open recreational space may be improved at the rear of the property. The total improved landscape area exceeds the required amount and complies with the criteria above.

Adequate buffering and screening are provided by landscaping along the street frontage and adjacent the homes. Staff does not see a need for additional buffering and screening at the sides or rear of the development given the required 6' tall site-obscuring fencing that is required to be installed.

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 13: Above is a list of conditions the Planning Commission may consider to mitigate impacts to the surrounding area, beyond what is already shown in the application. Unless there are specific requests from neighboring properties, staff does not have any specific conditions to recommend.

Criteria: 153.138 TIME LIMIT ON A CONDITIONAL USE PERMIT.

(A) Authorization of a conditional use permit shall be null and void after one year or such other time as may be specified in the approval thereof unless substantial development, compliance and/or investment is clearly evident.

(B) Issuance of a conditional use permit shall confer no right to the applicant beyond the time period for which it was issued.

(C) If the conditions applicable to a conditional use permit are not fulfilled within a reasonable time, the Commission may revoke the permit after giving notice to the applicant, affected property owners and other affected persons or parties, and upon holding a public hearing to make the determination.

Finding 14: As stated above, the applicant shall be aware that a conditional use permit is void after one year unless substantial development, compliance or investment is clearly evident. This is generally established by evidence of a building permit, but may include other site work. Should development cease and not continue in a reasonable manner the Commission may revoke the permit as described above.

Criteria: CHAPTER 151 FLOOD DAMAGE PREVENTION

Finding 15: A portion of the property is within the special flood Hazard area commonly referred to as the 100-year floodplain. No structures are proposed in the floodplain; however, the drainage swale and a portion of the parking lot are. The City flood code requires projects “be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding”. To achieve this the City strives to balance grading of sites within the floodplain so that no net increase in fill will occur. FEMA rules have been changing to require this, but those rules are unclear at this time. While there is no threat to the structures proposed in this development. Filling in the floodplain area could increase the potential for flood damage on adjacent properties. As a condition of approval there shall be no net fill of the floodplain area.

RECOMMENDED CONDITIONS OF APPROVAL: If approved the following conditions are recommended for application **CU-2025-102** for a nine (9) unit multi-family complex. Such an approval is subject to the submitted plans, findings stated in the staff report, those conditions contained within and the following conditions of approval set forth below:

General Conditions

1. The plans submitted by the applicant and the improvements depicted therein are the foundation of this approval to meet the requirements of the City's land use code and standards and specifications.
2. The applicant shall comply with the Fire Department requirements for fire flows, sprinkler systems, fire hydrants, addressing, fire lanes, Knox Box locks, no parking signs and all other UFC requirements. A site plan focusing on any access and water supply requirements found in the Oregon Fire Code shall be submitted. Final plans shall be signed by the Fire Department prior to submitting for building permits.
3. The applicant shall construct all public improvements in accordance with the City's standards and specifications and ODOT standards as applicable. Any public lines that extend into the property shall be placed in 20' public utility easements and built to City standards. All buildings shall be connected to City water and sewer and other serving utilizes as applicable. Garbage disposal shall be coordinated with Republic Services and be within screened enclosures. Mail service shall be coordinated with the U.S. Postal Service.
4. The applicant shall place all new utilities underground.
5. The applicant shall provide paved parking, access and maneuvering areas, as well as sidewalk, driveways and pedestrian connections consistent with their site plan.
6. The applicant shall meet the required landscaping percentage for multifamily complexes (20%). The applicant shall adhere to the general concept of the submitted landscape plan. The City understands that this landscape plan is conceptual and there may be a desire to adjust the plan as the project is constructed. Major changes to the proposed plan as determined by the Planning Director, shall be submitted in map form or writing for an informal City review and approval to ensure the plan is meeting the City's landscaping and buffering standards.
7. The applicant shall provide an attractive 6-foot site obscuring fence surrounding the entire property other than the entrance exit location.
8. The applicant shall balance grading of the site within the floodplain so that no net increase in fill will occur.
9. Signs for multifamily dwellings shall not exceed 32 s.f. Signs meeting the City's sign code are considered approved as part of this application. Sign proposals shall be submitted for code compliance and made a part of this application.

Prior to Building Permit

10. The applicant shall pay all applicable system development charges (SDCs) and connections fees prior to issuance of a building permit. SDCs are charged concurrent with building permits and therefore may change over time as individual buildings are constructed at different times.

On-going Responsibilities

11. All stormwater drainage shall be maintained on-site per the applicant's drainage plan.
12. No storage of materials is allowed in a manner which may cause a nuisance. The applicant shall not store unused vehicles, junk or debris within view of persons on a public street or adjacent properties. All outdoor storage and any equipment on site shall be screened from adjacent public rights-of-way.
13. All exterior lighting shall be shielded and focus light downward onto the site and shall not shine onto adjacent rights-of-way or properties or cause a hazard to vehicles or aircraft. Additional shielding may be required to accomplish this.
14. The applicant 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.

RECOMMENDED FINDING FOR DENIAL: If denied the following findings are recommended.

1. The application is not compatible with the Comprehensive Plan due to inefficient use of commercially zoned land for single use, low density residential purposes.
2. The application is not compatible with the purpose of the C2 zone. The C2 zone provides for commercial uses more desirable outside the downtown and more dependent on high traffic volumes. It also allows some types of heavy commercial and light industrial uses that are not compatible with residential uses.

MOTION IN FAVOR

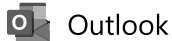
The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Favor of this Application. I Move the application be **APPROVED**, subject to the Conditions of Approval as they have been finalized, and based upon the Findings of Fact in favor of the application.

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 the request be **DENIED** based upon Findings of Fact in opposition to the application.

Written by:


Joshua Smith
Planning Director



Outlook

RE: Conditional Use for Multi-Family Cluster Housing Development

From Russ Deboodt <rdeboodt@ccf-r.com>

Date Wed 5/14/2025 12:24 PM

To Tasha Brackin <tbrackin@cityofprineville.com>

Thank you Tasha,

The fire district will require a site plan focusing on any access and water supply requirements found in the Oregon Fire Code. Currently, other than the fire flow calculations sheet, there is no information on what requirements exist and how they will meet them. If this project is utilizing a state sponsored tax incentive program, local tax incentive program, or is otherwise exempt from property taxes, and it meets the minimum investment threshold of the district's Tax Exemption Policy, a one time Impact Fee may be applied to the project per that policy and the associated fee schedule.

These requirements will need to be met prior to submitting for building permits.

Please let me know if you have any questions. The applicant is welcome to contact me directly with any questions as well.

Thank you,

Russell Deboodt
Division Chief - Fire and Life Safety
W-541-447-5011
C-541-280-0911
F-541-447-2705
rdeboodt@ccf-r.com

From: Tasha Brackin <tbrackin@cityofprineville.com>

Sent: Tuesday, May 13, 2025 2:48 PM

To: _COPR-Development-Review <COPR-Development-Review@cityofprineville.com>

Subject: Conditional Use for Multi-Family Cluster Housing Development

Good afternoon,

The City of Prineville has received the application described below and in the attached. Please provide any comments by June 3rd, 2025.

Subject: Multi-Family Cluster Housing Development

Application Number: CU-2025-102

Site Location: 996 NW Madras Highway

Zoning: General Commercial (C2)

Applicant: Pinnacle Architecture/Mark Rossi

Property Owner: Best Care Treatment Services, Inc.

Proposal: The Applicant is proposing a 9-Unit, multi-family cluster housing development on an existing lot in the General Commercial ("C-2") Zone. The project is initially proposed to be operated by Best Care (see attached project overview). If Best Care is not the operator it will simply be managed as any other multi-family development. Associated improvements include on-site parking, landscaping, sidewalks, lighting, and utility infrastructure..

Map Number & Tax Lot: Tax Lot ID 141631CB01000

Scheduled Hearing: June 17th, 2025

Please provide comments by June 3, 2025 for incorporation into the staff report for the public hearing.

Tasha Brackin | Associate Planner

387 NE 3rd St Prineville, OR 97754

Tel: 541.447.5627

Email: tbrackin@cityofprineville.com



Where the Future Meets the Frontier

cityofprineville.com

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Messages and attachments sent to and from this address are from a public entity and may be subject to disclosure under Oregon public records law. If you received this in error,

please contact the sender and destroy any copies of this information.

Document	Comment By	Page	Comment	Anticipated Impact
Site Plan	M. Matejsek	Site Plan	If change of use triggers frontage improvements we may need to check and replace the ADA ramps at NW Studebaker Dr and US26. The TransGIS ADA ramps layer notes these ramps as deficient even though it looks like newer concrete. It's likely the newer concrete ADA ramp need to be replaced. If replacing, provide ADA ramp details per DET1721 formatting for review.	
Site Plan	M. Matejsek	Site Plan	For District. Do we want to improve the shoulder parking area from gravel to asphalt? This look like there was some work to construct an asphalt sidewalk with some curb but the parking area was left as gravel.	
Site Plan	M. Matejsek	Site Plan	Has the consultant reviewed/checked drainage along frontage. It's not clear what drainage along the highway frontage may be doing.	
Site Plan	M. Matejsek	Site Plan	Not clear what the proposal is doing regarding removal and replacement of the driveway apron. Old driveway should be removed and replaced with curb/sidewalk and new driveway should be a dustpan concrete and curb using one of the options in RD730 or RD735.	
Site Plan	David Knitowski	Site Plan	The property has two existing highway approaches permitted to serve a single-family home. The proposal is to remove the eastern approach and retain the western approach, which results in a net reduction of one highway approach and moves in the direction of meeting approach spacing standards. The proposal to remove the existing home and add 10 cottages to the site will not generate enough peak hour or daily trips to constitute a change of use.	No Access Management permitting issues.
Site Plan	M. Barrett	Site Plan	No traffic comments.	
Site Plan	D. McDonald		Provide drainage report addressing ODOT frontage and Site for evaluation.	TBD
Site Plan				
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Site Plan				



City of Prineville

387 NE THIRD STREET ♦ PRINEVILLE, OREGON 97754

COMMUNITY DEVELOPMENT

Phone: (541)447-2367 FAX: (541) 447-5628

Web Site: www.cityofprineville.com

Neighbor Notice Mailed: May 14, 2025

NOTICE OF PUBLIC HEARING FOR THE PRINEVILLE CITY PLANNING COMMISSION

You are receiving this notice because you are within ~100 feet of a property requesting a Conditional Use. The Prineville City Planning Commission will conduct a public hearing on the 17th day of June 2025, at 5:30 P.M. in the City Council Chambers of City Hall located at 387 NE Third Street in Prineville, Oregon. The Prineville City Planning Commission will consider the following:

File Number: CU-2025-102

Location: 996 NW Madras Highway; Tax Lot ID 141631CB01000.

Proposal: The Applicant is proposing a 9-Unit, multi-family cluster housing development on an existing lot in the General Commercial ("C-2") Zone. The project is initially proposed to be operated by Best Care (see attached project overview). If Best Care is not the operator it will simply be managed as any other multi-family development. Associated improvements include on-site parking, landscaping, sidewalks, lighting, and utility infrastructure.

Applicant: Pinnacle Architecture/Mark Rossi

Property Owner: Best Care Treatment Services, Inc.

Applicable Criteria: City of Prineville Code of Ordinances, Title XV – Chapter 153 – Sections: 153.009, 153.014, 153.020, 153.035, 153.036, 153.051, 153.080–096, 153.135-138, 153.190-200, 153.250-261.

Staff Contact: Joshua Smith, Planning Director (541) 447-2367.

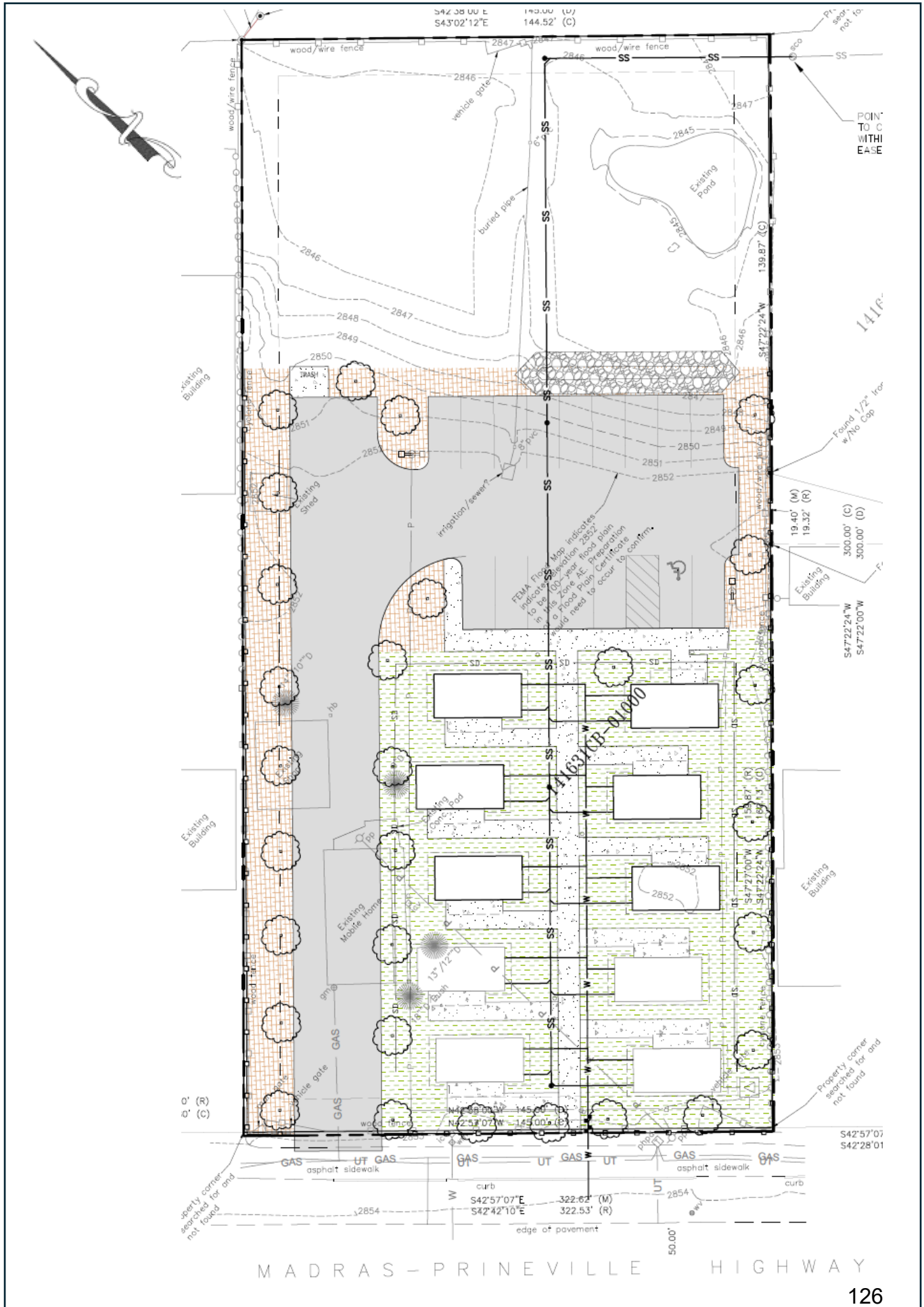
Attachments: Proposed Site Plan, Building Design, project overview.

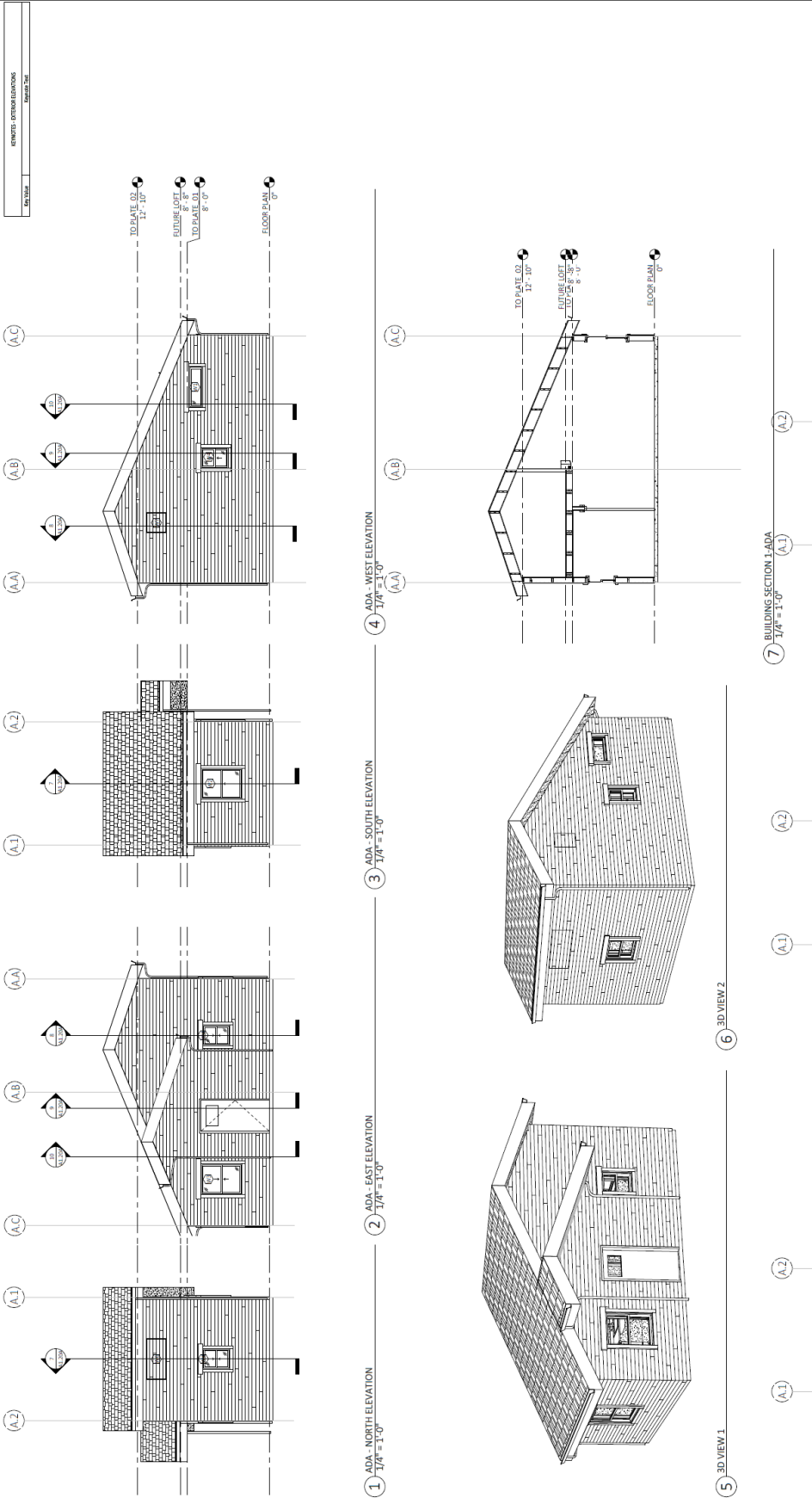
The proposal is available for review at any time at the City Planning Department, in City Hall. The City Planning staff report will be available for public review no later than 7 days prior to the hearing. Copies of the proposal may be obtained at the cost of copying. Persons or parties wishing to present testimony concerning the subject proposal may appear in person at the hearing or may submit written testimony or evidence to the City Planning Department on or before the date of the hearing. Any testimony shall be limited to and must address the standards and criteria relevant to the development. **FAILURE TO ADDRESS AN ISSUE NOT RELATED TO THE SPECIFIC CRITERIA AND PROVISIONS APPLICABLE TO A PROPOSED DEVELOPMENT, OR FAILURE TO PROVIDE SUFFICIENT SPECIFICITY AS TO AFFORD THE PLANNING COMMISSION AN OPPORTUNITY TO RESPOND TO SAID ISSUE PRECLUDES APPEAL ON THAT ISSUE OR ISSUES.**

LOCATION MAP



SITE PLAN FROM APPLICATION





BUILDING ELEVATION DRAWINGS

BestCare Multifamily Development Project, Crisis Housing

Project Overview

This project is a cottage housing development designed to provide single-occupant dwellings for individuals experiencing severe mental illness. The goal is to create a supportive living environment for those engaged in mental health services while ensuring long-term sustainability and community integration.

Project Scope

- **Location:** Prineville, Crook County
- **Site Area:** Accommodates 5 buildings with room for 10 structures
- **Occupancy:** Residents live rent-free, and will be enrolled in supportive services
- **Duration of Stay:** No set length of stay currently
- **Funding:** Supported through Measure 110 state funding and an OHA grant

Purpose & Community Benefit

This housing development is designed to support individuals who face significant barriers to stable housing, with a focus on the following populations:

- **Prioritized Unhoused Populations:**
 - Aid and Assist program participants
 - Psychiatric Security Review Board (PSRB) individuals
 - Civil Commit patients
- **Other Eligible Populations:**
 - Individuals with a Serious and Persistent Mental Illness (SPMI) diagnosis
 - Individuals who have struggled to obtain or maintain housing due to mental health challenges

This initiative is part of a broader effort to address mental health and housing stability in the region. It is specifically intended to serve Crook County residents living with serious and persistent mental illness, many of whom are unhoused and have frequent contact with law enforcement for non-violent nuisance offenses such as trespassing or loitering.

By providing safe and supported housing, the program aims to reduce homelessness, lower involvement with the legal system, and support long-term mental health recovery. This model not only improves outcomes for individuals, but also reduces nuisance calls, eases pressure on local law enforcement and emergency services and relieves stress on Crook County families who often struggle to support loved ones in crisis. The result is a stronger, safer, and more stable community overall.

Management, Screening & Support Services

- **Property Management:**

- The housing development will be managed either by our in-house housing department or a third-party property management firm to maintain the property and ensure compliance with local regulations.
- Routine inspections will be conducted to ensure units remain in good condition, free from hazards, and do not contribute to urban blight.
- All residents will be enrolled in BestCare's intensive services program, which includes near daily staff contact and regular home visits. This high-touch model allows our team to identify and respond to concerns early, before they escalate, helping ensure stability and accountability in the housing community.
- Commercial landscaping vendors will be contracted to maintain exterior spaces, ensuring a well-kept, aesthetically appealing neighborhood.
- The development will adhere to local neighborhood standards, ensuring that the property is well-maintained and does not become a site for excessive trash, hoarding, or urban decay.

- **Resident Screening:**

- Screening residents presents challenges as some of the target occupants are unhoused and or may lack formal documentation or rental history.
- Instead of a traditional tenant screening process, placement will be based on clinical and service engagement criteria, prioritizing those who meet the eligibility requirements for mental health support programs.

- **Support Services:**

- Residents will have access and be required to engage in mental health treatment, substance use disorder services, case management, and peer support specialists.
- Collaboration with our organization and other local providers will ensure access to medical care, employment training, and independent living skills programs.
- Regular wellness check-ins and crisis intervention services will be available to maintain a stable living environment.

Design & Land Use Considerations

- **Structural Plan:**

- Cottage-style housing is prioritized over row housing for privacy, stability, and improved outcomes of care
- Lower development cost and isolation to reduce risk of total loss if catastrophe were to occur
- Aesthetic integration to enhance surrounding property values and maintain flexibility for potential future repurposing
- Low environmental impact due to small footprint and single occupant load, making it a practical and economical housing model that requires minimal infrastructure compared to traditional multiunit developments.

- Should the program discontinue, the dwellings and property layout are designed for future adaptive reuse, either as commercial leasable space or a small-form-factor home community

Site Selection Considerations

This location was intentionally acquired, funded, and planned from the beginning for this specific use. When BestCare received a state grant to develop supportive housing, available properties were limited. We evaluated multiple sites, but one was ruled out early due to cost and feasibility concerns. Of the two remaining properties that met our needs for size and zoning, the selected site was ultimately chosen for its flexibility, proximity to services, and its potential to have the least impact on future business development or neighboring properties.

Other key factors involved in our decision:

- **Staff and Client Safety:** Integrating residential housing for high-acuity clients directly adjacent to the treatment facility was determined to pose potential safety and operational risks for both residents and staff. A separate, standalone setting better supports recovery, autonomy, and clinical effectiveness.
- **Site Limitations and Future Growth:** The BestCare main campus is leased property and also serves as the Crook County Mental Health Program (CMHP) site, providing a broad range of services beyond adult mental health and substance use treatment. Building permanent residential structures there would limit the organization's ability to expand clinical services or respond to future program needs. Additionally, investing federal grant dollars into a site not owned by BestCare is not advisable and, even if permitted by the property owner, would present multiple challenges, up to and including long-term use restrictions (encumbrances).
- **Asset Ownership and Strategic Investment:** The proposed site was purchased by BestCare specifically for this project. The acquisition and development are funded by a Behavioral Health Housing grant through House Bill 5202, administered by the Oregon Health Authority (OHA). As a condition of this state grant, the property will be encumbered by long-term restrictive covenants requiring its use for behavioral health housing for a minimum of 20 years.
- **Strategic Separation from Clinical Operations:** The selected site is located across the street from BestCare's main campus and near an existing mobile home community where many of our clients already live. This allows for access to services when needed, while maintaining the separation necessary to avoid operational conflicts and preserve residential independence.

Current Housing Accommodation Rationale

At present, there is no long-term or purpose-built housing option available in Crook County for this population. In limited cases, temporary rentals have been used to meet short-term needs, but these solutions are not sustainable. They depend on availability and often divert housing from others who could be better served in transitional settings.

Individuals with severe and persistent mental illness often require stable, long-term housing with appropriate support. The proposed development addresses this gap by offering a structured, service-connected solution that provides consistency and accountability. This approach strengthens community infrastructure while helping those with complex needs live more safely and independently.

Community Engagement & Opposition Considerations

This development is not a homeless shelter but a carefully planned housing community providing stable, long-term housing for individuals in need of support. We recognize concerns regarding stigma associated with substance use disorder and homelessness, and we want to reassure the community that this project is designed to be a well maintained, high quality residential neighborhood. The intent is for this development to be indistinguishable from any other desirable neighborhood an attractive, well-kept community that enhances the surrounding area. If someone were unaware of its purpose, they would see a modern, thoughtfully designed space where anyone might want to live.

As a committed community partner, we aim to work collaboratively with neighbors and local stakeholders to ensure that this development is a positive addition to the area. We are dedicated to maintaining the property to high standards, engaging with the community, and addressing any concerns proactively. We recognize that there is community concern regarding this project, and our approach includes:

- **Transparency:** Sharing a clear business model detailing management, screening, and support services
- **Engagement:** Conducting outreach to neighboring properties to address concerns proactively
- **Security & Oversight:**
 - Residents will be actively engaged in services with our organization, ensuring frequent staff interactions and monitoring.
 - CCTV security cameras will be installed throughout the development to enhance safety and discourage criminal activity.
 - While no on-site staff will be stationed at the development, our main campus is less than 500 feet away, allowing for rapid response to any issues that may arise.
 - The development will implement strict property maintenance policies to prevent accumulation of trash, junk, or hoarded goods, ensuring the community remains clean, safe, and visually appealing.

Conclusion

This project represents a thoughtfully designed, well-integrated housing solution aimed at serving one of the community's most vulnerable populations while maintaining respect for local concerns. The combination of strategic site placement, careful planning, and a strong service model will ensure both short- and long-term benefits to the residents, the city, and the broader community.

**NOTICE OF PUBLIC HEARING
PRINEVILLE CITY PLANNING COMMISSION**

The Prineville City Planning Commission will conduct a public hearing on the **17th day of June 2025**, at 5:30 P.M. in the City Council Chambers of City Hall, 387 NE 3rd St Prineville, OR.

File Number: CU-2025-102

Location: 996 NW Madras Highway; Tax Lot ID 141631CB01000.

Proposal: The Applicant is proposing a 9-Unit, Cluster Housing Development on an existing lot in the General Commercial ("C-2") Zone. The plan will include all the associated improvement requirements of the City's code, such as access, water, sewer, parking, landscaping and pedestrian improvements.

Applicant: Pinnacle Architecture/Mark Rossi

Property Owner: Best Care Treatment Services, Inc.

Applicable Criteria: City of Prineville Code of Ordinances, Title XV – Chapter 153 – Sections: 153.009, 153.014, 153.020, 153.035, 153.036, 153.051, 153.080-096, 153.135-138, 153.190-200, 153.250-261.

Staff Contact: Joshua Smith 541-447-2367 jsmith@cityofprineville.com to request information, an interpreter or other communication aids.

**ATTEND TELEPHONICALLY BY CALLING 346-248-7799
Meeting ID: 947 5839 2608 Passcode: 123456**

FOR OFFICE USE ONLY

Application #: CU-2025-102

Floodplain #: _____

Date Received: 5/6/2025 Zone: C2

Use: ☐ Outright ☐ CU Type 1 ☒ CU Type 2



Site Plan & Design Review Application
For all Multi-family, Commercial or Industrial Construction
PLEASE NOTE INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

Applicant Name: Pinnacle Architecture / Mark Rossi Phone 541 / 388-9897 x 14

Address 1001 SW Disk Drive, STE. 105 City Bend State OR Zipcode 97702

Email mark@parch.biz

Property Owner Bestcare Treatment Services, Inc. Phone _____ / _____

Address PO Box 1710 City Redmond State OR Zipcode 97754

Email _____

PROPERTY DESCRIPTION

Property address: 996 NW Madras Hwy, Prineville, Oregon

Map# Township 14 Range 16 Section 31CB Tax Lot # 1000

Present Zoning C2 Total Land Area 43,560 (Square Ft) 1 (acres)

Present Land Use Homesite with detached garage.

PROJECT DESCRIPTION

Occupancy: ☒ Multi-family Residential ☐ Commercial ☐ Industrial ☐ Other

☒ New Construction ☐ Addition ☐ Accessory ☐ Other

Sq. Ft. Bldg(s) +/-288 each dwelling No. of Stories 1

Describe Project:

Proposed project consists of the construction of 9 dwellings each +/-288 square feet and a
+/-340 sf structure for laundry and restrooms.

PROFESSIONAL SERVICES

Builder/Agent: Rhine Cross Group, LLC Phone 541 / 851-9405

Address 112 N 5th Street - Suite 200, PO Box 909 City Klamath Falls State OR Zipcode 97601

Email lani@rc-grp.com

Architect/Designer/Engineer: Pinnacle Architecture Phone 541-388-9897 x 14
Rhine-Cross Group 541-851-9405

Address 1001 SW Disk Drive, Ste 104 City Bend State OR Zipcode 97702
112 N 5th St. Suite 200, PO Box 909 City Klamath Falls State OR Zipcode 97601

Email (Rhine Cross Grp. marc@rc-grp.com) (Pinnacle Architecture mark@parch.biz)

REQUIREMENTS FOR ALL PLAN SETS SUBMITTED:

The applicant shall submit plans in accordance with the following:

1. All plans shall be submitted on sheets no larger than 24 inches by 36 inches.
2. Full size Electronic copies (PDF) of the full plan set is preferred. Two full-size copies of the full plan set may be required based on the complexity of the project. (Additional copies may be required if necessary for a public hearing).
3. One full set of plans shall be submitted on a sheet no larger than 11 inches by 17 inches.
4. All plans shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned.
5. Required plans may be combined onto a single sheet (i.e. Site and Landscape Plan) as long as all features of each plan may be clearly discerned.

REQUIRED ITEMS TO BE SUBMITTED:

- ☐ Completed application form - *must be signed by the property owner and the applicant*
- ☐ Application Fee.
- ☐ Title Report or Subdivision Guarantee verifying ownership, *including legal description*
- ☐ Trip Generation Statement prepared by a professional transportation planner or equivalent. If over 200 ADT result, a Traffic Impact Analysis shall be required.
- ☐ Vicinity Map
- ☐ Preliminary Grading and Drainage Plan.
- ☐ Site Analysis Diagram which shall include the following (if applicable):
 - ☐ Location and species of existing trees greater than six inches in diameter when measured four feet above the natural grade (indicate which are to be removed).
 - ☐ Steep slopes, potential geological hazards or unique natural features that may effect the proposed development.
 - ☐ Contour lines measured at two foot intervals.
 - ☐ Natural drainage ways, depths of any ground water tables less than 12 feet, and any areas of surface water accumulations.
 - ☐ All buildings, roads, retaining walls, curb cuts and other manmade features, both existing and proposed.
 - ☐ Natural features, including trees, riparian habitat and stream channels and structures on-site or on adjoining properties that have or may have a visual or other significant relationship with the site and the proposed development thereon

- ☐ Site Development Plan which shall include the following (if applicable):
 - ☐ Project name, scale, legend and north arrow
 - ☐ Name of organization/individual who prepared site plan and date prepared
 - ☐ Legal description of property
 - ☐ Boundary dimensions of site area
 - ☐ Street names and locations of all existing and proposed streets, curbs and sidewalks within or adjacent to the proposed development
 - ☐ Zoning of each adjacent property
 - ☐ Location and dimensions of all proposed and existing structures
 - ☐ All required setback lines
 - ☐ Location of all building entrances
 - ☐ Parking and circulation areas
 - ☐ Service and storage areas
 - ☐ Locations and dimensions of any easements
 - ☐ Outdoor recreation areas
 - ☐ Pedestrian and bicycle circulation
 - ☐ Location of all exterior mechanical and utility equipment and trash enclosures
 - ☐ Lighting plan showing location, type and illumination of all exterior light fixtures
 - ☐ Location, size and method of illumination for signs (if proposed)
 - ☐ ADA accessibility provisions
 - ☐ Location, names, surface and right-of-way widths and improvement standards of all existing and proposed streets within or adjacent to the proposed development

- ☐ Landscape Plan which shall include the following (if applicable):
 - ☐ Areas to be left as undisturbed natural vegetation
 - ☐ Areas to be landscaped, identifying type of landscaping and total area
 - ☐ Size, species and locations of plant materials to be retained or placed on the site
 - ☐ Layout of irrigation system
 - ☐ Location and design of proposed fencing and retaining walls
 - ☐ Location of and method of screening for trash enclosures, exterior mechanical equipment and utility equipment
 - ☐ Location and design details of walkways, plazas and other common areas

- ☐ Written Summary of Project this shall include the following*:
 - ☐ Area of project site
 - ☐ Square footage and height of each proposed structure
 - ☐ Area and percent of lot coverage by structures, parking/driveway, recreation areas, storage/service areas and landscaping
 - ☐ Total number of parking spaces and area of impervious surface
 - ☐ Total square footage of all landscape areas
 - ☐ Residential projects: total number of dwelling units
 - ☐ Specific use for each existing and proposed building on the site

*Note: a written summary is generally included on the Site Plan

- ☐ Architectural Drawings - a sketch of the project shall include the following:
 - ☐ Floor plans for all floors of proposed building(s)
 - ☐ Exterior elevations of every exterior wall surface showing building heights, windows, doors, exterior light fixtures, stairways, balconies and all other architectural details
 - ☐ Details of materials, colors and textures. Samples are encouraged and may be required depending on the size, location and visibility of the project.
 - ☐ Location and type of all exterior light fixtures, including level of illumination
 - ☐ Location, size and method of illumination of all exterior signs (if proposed)
- ☐ Additional Information - at the discretion of the Planning Department, the following materials/information may be required prior to the application being deemed complete:
 - ☐ Engineered Fire Flow Analysis
 - ☐ Flood Elevation Certificate
 - ☐ ODOT Access Permit(s)
 - ☐ Traffic Impact Analysis
 - ☐ Water/Sewer Analysis
 - ☐ Property Survey
 - ☐ Site Photographs

By signing this application, the undersigned certifies that he/she has read and understands the submittal requirements of the City's land use code. **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 Planning Director may upon notice to the applicant and subject to an applicant's right to a hearing declare the application void.

Applicant: _____ Date: _____
Signature

Property Owner: *Rick Treleven* Date 03/19/2025
Rick Treleven (Mar 13, 2019 (3:39 PM))
Signature

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



1777 SW Chandler Ave., Suite 100
Bend, OR 97702
Phone: (541)389-5751 / Fax: (541)330-1242

Bestcare Treatment Services, Inc.
PO Box 1710
Redmond, OR 97756

Date: June 28, 2024
Escrow No.: WT0258972-LDW
Buyer(s): Bestcare Treatment Services, Inc.
Seller(s): Francisco Noe Moreno Pippen
Property: 996 NW Madras HWY
Prineville, OR 97754

Hello,

The closing of the sale of the property involved in the above escrow has been completed with the recording of the appropriate documents. We enclose the following:

- Final Settlement Statement **Please keep this document for tax purposes*
- Original Recorded Deed
- Statement of Qualified Substitute

Any policy of title insurance to which you may be entitled will be forwarded to you in the near future.

We appreciate having this opportunity to be of service to you and hope you will again choose Western Title & Escrow Company as your Escrow Agent and Title Insurer for any future sales or purchases.

Sincerely,

Lori D. Welsh
Escrow Officer
lori.welsh@westerntitle.com

Enclosure(s)



Western Title & Escrow Company

1777 SW Chandler Ave., Suite 100, Bend, OR 97702

Phone: (541)389-5751 | Fax: (541)330-1242

FINAL BUYER'S STATEMENT

Settlement Date: June 28, 2024

Escrow Number: WT0258972

Disbursement Date: June 28, 2024

Escrow Officer: Lori D. Welsh

Email: lori.welsh@westerntitle.com

Buyer: Bestcare Treatment Services, Inc.

PO Box 1710

Redmond, OR 97756

Seller: Francisco Noe Moreno Pippen

996 NW Madras HWY

Prineville, OR 97754

Property: 996 NW Madras HWY

Prineville, OR 97754

Tax/Map ID(s): 141631CB-01000-11372 APN/Parcel ID(s): 11372

	\$ DEBITS	\$ CREDITS
FINANCIAL CONSIDERATION		
Sale Price of Property	275,000.00	
Earnest Money Deposit		8,250.00
Deposit		7,600.00
Buyer's funds to close		261,946.89
PRORATIONS/ADJUSTMENTS		
County Taxes at \$1,267.74 06/28/24 to 07/01/24 (\$1,267.74 / 366 X 3 days)	10.39	
Extension Fee 5/20/24-6/28/24 \$50 X 40 Days	2,000.00	
TITLE & ESCROW CHARGES		
Title - Escrow Fee Western Title & Escrow Company	662.50	
Title - Recording Service Fee Western Title & Escrow Company	15.00	
GOVERNMENT CHARGES		
Recording Fees County Recorder	109.00	
Subtotals	277,796.89	277,796.89
TOTALS	277,796.89	277,796.89

THIS IS A CERTIFIED COPY OF THE ORIGINAL DOCUMENT(S) BY
WESTERN TITLE & ESCROW COMPANY

Aundrea Borst

Western Title & Escrow Company, Settlement Agent



**STATEMENT OF ESCROW AGENT
ACTING AS QUALIFIED SUBSTITUTE**

Escrow No.: WT0258972-LDW
Escrow Agent: Western Title & Escrow Company
Buyer(s): Bestcare Treatment Services, Inc.
Seller(s): Francisco Noe Moreno Pippen
Property: 996 NW Madras HWY, Prineville, OR 97754

The undersigned states under penalties of perjury that:

1. The above named ESCROW AGENT is the escrow agent that is responsible for closing the above referenced transaction.
2. I am an escrow officer employed by ESCROW AGENT, and I am authorized to sign this Statement.
3. Of all of the above named sellers, each of the following named sellers has furnished to ESCROW AGENT a completed, signed Certification of Non-Foreign Status, as provided for in the Foreign Investment in Real Property Tax Act, Internal Revenue Code Section 1445 and its related regulations:

Francisco Noe Moreno Pippen

Any seller not named in this paragraph has not furnished a Certification of Non-Foreign Status.

4. ESCROW AGENT will retain electronically a copy of each Certification of Non-Foreign Status for a period of six (6) years from the closing date.
5. ESCROW AGENT will provide a copy of Seller's Certification of Non-Foreign Status to the Internal Revenue Service if requested by Buyer or by the IRS.
6. ESCROW AGENT makes no representations regarding Buyer's obligations under Internal Revenue Code Section 1445.
7. ESCROW AGENT makes no representations regarding the truth or validity of the statements on any Seller's Certification of Non-Foreign Status.
8. ESCROW AGENT has caused a copy of this statement to be delivered to all of the sellers and buyers in this transaction.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Lori D. Welsh, Escrow Officer

June 24, 2024

Date

RECORDING REQUESTED BY:

Western Title & Escrow

446 NW 3rd Street, Suite 107
Prineville, OR 97754

AFTER RECORDING RETURN TO:

Order No.: WT0258972-LDW
Brian Palomo
Bestcare Treatment Services, Inc.
PO Box 1710
Redmond, OR 97756

SEND TAX STATEMENTS TO:

Bestcare Treatment Services, Inc.
PO Box 1710
Redmond, OR 97756

APN: 11372

Map: 141631CB-01000-11372

Crook County Official Records

2024-327572

DEED-D

06/28/2024 11:49:01 AM

Pgs=4

\$20.00 \$2.00 \$11.00 \$10.00 \$61.00

\$109.00

\$5.00

I, Cheryl Seely, County Clerk for Crook County,
Oregon, certify that the instrument identified
herein was recorded in the Clerk records.

Cheryl Seely - County Clerk



SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Francisco Noe Moreno Pippen, Grantor, conveys and warrants to **Bestcare Treatment Services, Inc., an Oregon non-profit corporation**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Crook, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS **(\$275,000.00)**. (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

RECORDING REQUESTED BY:



446 NW 3rd Street, Suite 107
Prineville, OR 97754

AFTER RECORDING RETURN TO:

Order No.: WT0258972-LDW
Brian Palomo
Bestcare Treatment Services, Inc.
PO Box 1710
Redmond, OR 97756

SEND TAX STATEMENTS TO:

Bestcare Treatment Services, Inc.
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Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

STATUTORY WARRANTY DEED
(continued)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

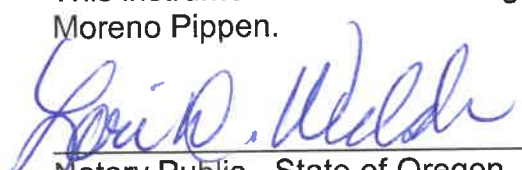
IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 6/28/24


Francisco Noe Moreno Pippen

State of OREGON
County of DESCHUTES

This instrument was acknowledged before me on 6/28/24 by Francisco Noe Moreno Pippen.


Notary Public - State of Oregon

My Commission Expires: 8/9/25

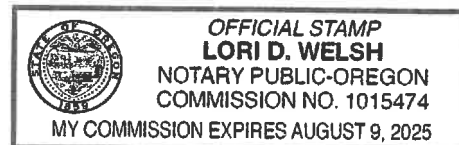


EXHIBIT "A"
Legal Description

Located in Crook County, Oregon:

A parcel of land in the Southwest quarter of Section 31 in Township 14 South of Range 16 East of the Willamette Meridian, more particularly described as follows: Beginning at a point on the Northerly right of way line of the Warm Springs Highway, as it is now located and constructed, said point being 1717 feet North of the Southwest corner of said Section 31; thence North 47°22' East 300 feet; thence South 42°38' East 145 feet; thence South 47°22' West 300 feet to a point on the Northerly right of way line of said highway; thence North 42°38' West along said right of way line 145 feet to the point of beginning.

EXHIBIT "B"
Exceptions

Subject to:

Regulations, including levies, liens, assessments, water and irrigation rights and easements for ditches and canals of the Ochoco Irrigation District.

The existence of roads, railroads, irrigation ditches and canals, telephone, telegraph and power transmission facilities.

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Easement Agreement

Recording Date: March 18, 2021
Recording No.: 307487

Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey,

Job No.: W.O. #24-06
Dated: February 15, 2024
Prepared by: Central Oregon Land Surveying LLC
Matters shown: Unrecorded easement for irrigation/sewer, and fences not on boundary

BestCare Multifamily Development Project, Crisis Housing

Project Overview

This project is a cottage housing development designed to provide single-occupant dwellings for individuals experiencing severe mental illness. The goal is to create a supportive living environment for those engaged in mental health services while ensuring long-term sustainability and community integration.

Project Scope

- **Location:** Prineville, Crook County
- **Site Area:** Accommodates 5 buildings with room for 10 structures
- **Occupancy:** Residents live rent-free, and will be enrolled in supportive services
- **Duration of Stay:** No set length of stay currently
- **Funding:** Supported through Measure 110 state funding and an OHA grant

Purpose & Community Benefit

This housing development is designed to support individuals who face significant barriers to stable housing, with a focus on the following populations:

- **Prioritized Unhoused Populations:**
 - Aid and Assist program participants
 - Psychiatric Security Review Board (PSRB) individuals
 - Civil Commit patients
- **Other Eligible Populations:**
 - Individuals with a Serious and Persistent Mental Illness (SPMI) diagnosis
 - Individuals who have struggled to obtain or maintain housing due to mental health challenges

This initiative is part of a broader effort to address mental health and housing stability in the region. It is specifically intended to serve Crook County residents living with serious and persistent mental illness, many of whom are unhoused and have frequent contact with law enforcement for non-violent nuisance offenses such as trespassing or loitering.

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- The housing development will be managed either by our in-house housing department or a third-party property management firm to maintain the property and ensure compliance with local regulations.
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- All residents will be enrolled in BestCare's intensive services program, which includes near daily staff contact and regular home visits. This high-touch model allows our team to identify and respond to concerns early, before they escalate, helping ensure stability and accountability in the housing community.
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- **Support Services:**

- Residents will have access and be required to engage in mental health treatment, substance use disorder services, case management, and peer support specialists.
- Collaboration with our organization and other local providers will ensure access to medical care, employment training, and independent living skills programs.
- Regular wellness check-ins and crisis intervention services will be available to maintain a stable living environment.

Design & Land Use Considerations

- **Structural Plan:**

- Cottage-style housing is prioritized over row housing for privacy, stability, and improved outcomes of care
- Lower development cost and isolation to reduce risk of total loss if catastrophe were to occur
- Aesthetic integration to enhance surrounding property values and maintain flexibility for potential future repurposing
- Low environmental impact due to small footprint and single occupant load, making it a practical and economical housing model that requires minimal infrastructure compared to traditional multiunit developments.

- Should the program discontinue, the dwellings and property layout are designed for future adaptive reuse, either as commercial leasable space or a small-form-factor home community

Site Selection Considerations

This location was intentionally acquired, funded, and planned from the beginning for this specific use. When BestCare received a state grant to develop supportive housing, available properties were limited. We evaluated multiple sites, but one was ruled out early due to cost and feasibility concerns. Of the two remaining properties that met our needs for size and zoning, the selected site was ultimately chosen for its flexibility, proximity to services, and its potential to have the least impact on future business development or neighboring properties.

Other key factors involved in our decision:

- **Staff and Client Safety:** Integrating residential housing for high-acuity clients directly adjacent to the treatment facility was determined to pose potential safety and operational risks for both residents and staff. A separate, standalone setting better supports recovery, autonomy, and clinical effectiveness.
- **Site Limitations and Future Growth:** The BestCare main campus is leased property and also serves as the Crook County Mental Health Program (CMHP) site, providing a broad range of services beyond adult mental health and substance use treatment. Building permanent residential structures there would limit the organization's ability to expand clinical services or respond to future program needs. Additionally, investing federal grant dollars into a site not owned by BestCare is not advisable and, even if permitted by the property owner, would present multiple challenges, up to and including long-term use restrictions (encumbrances).
- **Asset Ownership and Strategic Investment:** The proposed site was purchased by BestCare specifically for this project. The acquisition and development are funded by a Behavioral Health Housing grant through House Bill 5202, administered by the Oregon Health Authority (OHA). As a condition of this state grant, the property will be encumbered by long-term restrictive covenants requiring its use for behavioral health housing for a minimum of 20 years.
- **Strategic Separation from Clinical Operations:** The selected site is located across the street from BestCare's main campus and near an existing mobile home community where many of our clients already live. This allows for access to services when needed, while maintaining the separation necessary to avoid operational conflicts and preserve residential independence.

Current Housing Accommodation Rationale

At present, there is no long-term or purpose-built housing option available in Crook County for this population. In limited cases, temporary rentals have been used to meet short-term needs, but these solutions are not sustainable. They depend on availability and often divert housing from others who could be better served in transitional settings.

Individuals with severe and persistent mental illness often require stable, long-term housing with appropriate support. The proposed development addresses this gap by offering a structured, service-connected solution that provides consistency and accountability. This approach strengthens community infrastructure while helping those with complex needs live more safely and independently.

Community Engagement & Opposition Considerations

This development is not a homeless shelter but a carefully planned housing community providing stable, long-term housing for individuals in need of support. We recognize concerns regarding stigma associated with substance use disorder and homelessness, and we want to reassure the community that this project is designed to be a well maintained, high quality residential neighborhood. The intent is for this development to be indistinguishable from any other desirable neighborhood an attractive, well-kept community that enhances the surrounding area. If someone were unaware of its purpose, they would see a modern, thoughtfully designed space where anyone might want to live.

As a committed community partner, we aim to work collaboratively with neighbors and local stakeholders to ensure that this development is a positive addition to the area. We are dedicated to maintaining the property to high standards, engaging with the community, and addressing any concerns proactively. We recognize that there is community concern regarding this project, and our approach includes:

- **Transparency:** Sharing a clear business model detailing management, screening, and support services
- **Engagement:** Conducting outreach to neighboring properties to address concerns proactively
- **Security & Oversight:**
 - Residents will be actively engaged in services with our organization, ensuring frequent staff interactions and monitoring.
 - CCTV security cameras will be installed throughout the development to enhance safety and discourage criminal activity.
 - While no on-site staff will be stationed at the development, our main campus is less than 500 feet away, allowing for rapid response to any issues that may arise.
 - The development will implement strict property maintenance policies to prevent accumulation of trash, junk, or hoarded goods, ensuring the community remains clean, safe, and visually appealing.

Conclusion

This project represents a thoughtfully designed, well-integrated housing solution aimed at serving one of the community's most vulnerable populations while maintaining respect for local concerns. The combination of strategic site placement, careful planning, and a strong service model will ensure both short- and long-term benefits to the residents, the city, and the broader community.

**BURDEN OF PROOF
DESIGN REVIEW APPLICATION
CONDITIONAL USE PERMIT TYPE II
PRINEVILLE OREGON**

MULTI-FAMILY HOUSING

Owner/Applicant: BestCare Treatment Services Inc.
PO Box 1710
Redmond, Oregon 97754

Representatives: Pinnacle Architecture
Mark Rossi
1001 SW Disk Drive, STE. 105
Bend, Oregon 97702

Location: 996 NW Madras Hwy,
Prineville, Oregon 97754

Reference Parcel No.: Tax Lot 1000 Map No. 14S16E31CB

Comp. Plan Designation: C2 (General Commercial)

Zoning Designation: Commercial

Property Size: ±1 acre (+/-43,560 SF)

Proposal: Site plan Approval for a new 9 Dwelling Multi Housing Complex with an additional structure for office, restrooms, and laundry facility.

Date: March 2025

PROJECT OVERVIEW & DESCRIPTION

The applicant intends to develop the +/-1-acre property located northeast of NW Madras Highway and northwest of NW Studebaker Drive. The development will provide 9 dwellings for multi-family housing and one additional unit for office and laundry. The project is proposed in 2 phases with the front four homes in phase 2. The proposed project will take access off NW Madras Hwy under the jurisdiction of Oregon Department of Transportation (ODOT).

The applicant proposes to construct 9 landscaped dwellings each proposed at +/-288 square feet. In addition to the 9 dwellings there will be a 10th structure for laundry facilities (washers and dryers) and office. Each site is proposed to have municipal sewer and water from a single meter for the entire lot.

The site is currently developed with a homesite and detached garage that will be demolished prior to construction.

The site consists primarily of Powder silt loam, 0 to 2 percent slopes (65.8%) and Metolius ashy sandy loam, 0 to 2 percent slopes (34.2%). The site is vegetated with grass and shrubs, with minimal bare soil. The northern portion of the is located within an identified flood zone.

The subject property is currently designated as General Commercial (C2) by the City of Prineville. The proposed land use for multi-family (cottage clusters) housing which is permitted within C2 zoning through a Type II Conditional Use Permit and public hearing process. This application for residential development is subject to both City and State criteria and standards. Accordingly, the applicant shall address all the applicable criteria and standards of the Madras Municipal Code that pertain to Development Requirements for the Cottage Cluster Development.

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PRINEVILLE MUNICIPAL CODE

GENERAL PROVISIONS

153.009 Compliance with Other Rules and Regulations

(A) Approval of any use or development proposal pursuant to the provisions of this chapter or other City Ordinances shall require compliance with and consideration of all applicable city, county, state and federal rules and regulations.

FINDINGS OF FACT: Applicant acknowledges that this development proposal shall require compliance with and consideration of all applicable city, county, state, and federal rules, and regulations.

(B) The compliance shall be evident prior to the final approval of any affected land use or development proposal; or compliance may be set forth as a condition of final approval.

FINDINGS OF FACT: The applicant shall address all applicable standards prior to final approval of this land use development.

(C) Specific city, county, state and federal rules and regulations that may affect a specific land use or development for which compliance therewith is required if applicable include, but are not necessarily limited to the following.

(1) Air quality standards administered by the State Department of Environmental Quality (DEQ) and/or the Federal Environmental Protection Agency (EPA).

(2) Noise pollution standards administered by DEQ and/or EPA.

(3) Water quality standards administered by DEQ, state Water Resources Department (WRD) and/or EPA.

(4) Sewage disposal regulations administered by DEQ, County Environmental Health and/or

(5) Solid waste disposal regulations administered by DEQ and/or EPA, including those applicable to hazardous wastes.

(6) Uniform Building Code administered by the City-County Building Department and State Building Codes Agency.

(7) Surface and ground water withdrawals regulated by WRD.

(8) Scenic area rules administered by the State Highway Division (OSHD), state parks and/or other state or federal agencies.

(9) Access control and management regulations administered by OSHD and/or the County Road Department.

(10) Surface mining regulations administered by the State Department of Geology and Mineral Industries (DOGAMI), DEQ and other state or federal agencies.

(11) Wild and scenic river regulations administered by the State Parks and Recreation Department (OPRD), the U.S. Bureau of Land Management (BLM) or other state and federal agencies.

(12) Cut and fill, and wetland regulations administered by the Division of State Lands (DSL).

(13) Fish and wildlife habitat protection rules administered by the State Department of Fish and Wildlife (ODFW) and/or the U.S. Fish and Wildlife Department (USFW).

(14) Applicable City and/or County ordinances, resolutions, agreements, regulating master plans or other land use decisions.

FINDINGS OF FACT: The applicant shall address 1-14 above where applicable to this development within this document and final planning packet.

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.

FINDINGS OF FACT: The application and proposal are compatible with the City Comprehensive Plan Goal 10 HOUSING. This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

(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.

FINDINGS OF FACT: The subject land is zoned General Commercial (G2) within the Prineville Land Development Code. For Residential Uses Multi-family dwelling complexes of more than four units are allowable through a Type 2 Conditional Use.

Use Classifications	C1	C2	C3	C4	C5	M1	M2	IP	Comments:
Existing Uses	<i>Similar uses are allowed and processed as the similar use; unless specifically stated in another zone.</i>								
Expansion of existing public use	0	0	0	0	0	0	0	0	
Replacement of an existing dwelling	0	0	0	0	0	0	0	0	
Expansion of an approved conditional use	T1	T1	T1	T1	T1	T1	T1	T1	
Residential Uses/Accessory Uses									
Bed and breakfast facility (in an existing dwelling)	0	0	T1		0				153.083(C)
Boarding, lodging, rooming house or homeless shelter	T2	T2							
Child Care Home (in an existing dwelling)	0	0	0	0	0	0	0	0	
Nursing Home (Elderly Assisted housing)		T2							153.083(O)
Home Occupation	0	0	0	0	0	0	0		153.083(E)
Multi-family dwelling complexes of more than four units	T2	T2							153.083(H)

FINDINGS OF FACT: The proposed project will be described in further detail in this document.

(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.

FINDINGS OF FACT: Applicant acknowledges (C) above and all 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.

FINDINGS OF FACT: Applicant will assure compliance with specific standards, conditions and limitations set forth for the subject use in the applicable zone.

(E) That no approval be granted for any use which is or expected to be found to exceed resource or public facility carrying capacities.

FINDINGS OF FACT: Applicant shall be working with the City of Prineville to ensure adequate resources or public facility carrying capacities are not exceeded.

(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.

FINDINGS OF FACT: Applicant acknowledges (F) above.

(G) As applicable, a city business license shall be required, and if a requirement, the continual maintenance of the license shall be a continuing condition of approval and failure to maintain the compliance shall constitute grounds for permit revocation.

FINDINGS OF FACT: Acknowledged

(H) Boats, trailers, travel trailers, pick-up campers, recreational vehicles, motor homes and similar recreational vehicles and equipment that is operational and licensed as required may be stored on a lot owned by the same person or family member, but shall not be used for permanent occupancy other than that permitted in 153.095 (D)(E)(F).

FINDINGS OF FACT: (H) above is acknowledged and no trailers, travel trailers, pick-up campers, recreational vehicles, motor homes and similar recreational vehicles and equipment that is operational shall not be used for permanent occupancy other than that permitted in 153.095(D)(E)(F).

(I) Requiring an Emergency Management and Response Plan approved by the Fire Marshall for projects larger than 20,000 square feet in Residential, Mixed Use, Industrial or Commercial Zones. The plan shall address the major concerns associated with the terrain, dry conditions and limited access. The plan shall verify that the district has the appropriate equipment, training and personnel to respond to fires. If the local fire department or district does not have adequate rescue capability, the applicant shall provide a plan for providing such in case of an emergency.

FINDINGS OF FACT: The Fire Marshall will require a separate sign-off on plans prior to submitting for building permits. If required, the applicant shall develop a plan for providing adequate rescue capability if required. A flow test was conducted and is included within this packet.

ZONING TABLES

153.036 Residential Dimensional Standards

	R-1	R-2	R-3	R-4	R-5
	Limited	General	Low Density	Redevelopment	High Density
Minimum lot area (public water and sewer required)					
Accessory Dwelling Unit (ADU)	In conjunction with Single Family Dwelling				Zone Standards
Single family dwelling/Duplex	6,500 sf	5,000 sf	10,000sf	4,000sf	Zone Standards
Duplex (Within designated hazard areas)	N/A	7,500 sf	N/A	6,500 sf	Zone Standards
Townhome Lots (2-lots) 153.084(C)	N/A	3,750 sf	N/A	3,250 sf	Zone Standards
Triplex	N/A	9,000 sf	N/A	8,000 sf	Zone Standards
Fourplex	N/A	10,500 sf	N/A	9,500 sf	Zone Standards
Additional area for each unit over 4	N/A	+1,500 sf	N/A	+1,250 sf	Zone Standards
Townhome Subdivision (3 or more lots) 153.094	N/A	As Approved	N/A	As Approved	Zone Standards
Townhome Multiplex	N/A	N/A	N/A	N/A	Zone Standards
Non-residential uses	N/A	Based on requirements of use-and preservation of residential character of neighborhood	N/A	Based on requirements of use and preservation of residential character of neighborhood	Zone Standards
Min. Net Density for Subdivision ¹	3/acre	4/acre	2/acre	6/acre	12/acre
Max. Net Density for Land Division	Calculated based on "Net Density" definition				

Minimum lot area (no public water or sewer available) ²		
Single family dwelling	On existing lots or parcels only with approved water supply and sewage disposal system.	N/A
Accessory Dwelling Unit (ADU)	In conjunction with Single Family Dwelling with approved water supply and sewage disposal system.	

¹ The City may grant an exception to the minimum density standards based on site specific issues that make such density infeasible such as: steep slopes, floodplain, and wetlands.

² Water supplies are reviewed and sewage disposal systems are approved through the Crook County Community Development Department

FINDINGS OF FACT: The proposed development is for nine (9) +/-288 square foot dwellings plus one +/-340 square foot building for laundry facility and restroom. The lot size +/-43,560 square

feet. Using the required minimum lot area for Fourplex (as recommended by the Planning Director) 10,500 sf required with an additional area for each unit over 4 of +1,500 sf. the lot size meets the minimum density. The project site is +/-43,560 sf. The required square footage for the proposed ten (10) structures equals 4 at 10,500 sf plus 6 x 1,500 sf totaling +/-9,000 sf. Total area required for the minimum density = 19,500 sf. The lot size of 43,560 sf is more than adequate to accommodate the dwellings and laundry facility and meet the minimum density requirement.

	R1	R2	R3	R4	R5
Minimum Setbacks for structures (ft.): <i>See 153.117 for exceptions to setbacks.</i>					
Front yard (local street)	10	10	10	10	0
Front yard (Collector or Arterial) ⁵	10	10	10	10	0
Carport/Garage entrance to Public street/Alley	20	20	20	20	20
Carport/Garage entrance to Public sidewalk	25	25	25	25	25
Side yard	5	5	5	5	0/ 5
Side yard corner lot (street side)	10	10	10	10	0
Side & Rear yard multi-story multi-family or 3 or more consecutive townhomes	10	10	10	10	0/ 5
Rear yard	10	10	10	5	0/ 20 ⁵
Rear yard corner lot	5	5	5	5	0 / 20 ⁵
Rear yard adjacent to alley	10	5	5	5	0
Accessory (no building permit)	3	3	3	3	3
Projections into setback ⁴	2	2	2	2	2

³ Plus that which is necessary to meet street and sidewalk right-of-way standards.

⁴ May project 2 feet into a setback provided the projection is not closer than 3 feet to a property line.

⁵ If the rear property line is adjacent to a residential zone, the setback is 20 feet.

Minimum Street Frontage (ft.): <i>See 153.191(C) for exceptions.</i>					
Standard Street	50	50	100	40	Zone Standards
Cul-de-sac	35	35	50	35	Zone Standards
Townhome Lot (2 lots) 153.084(C)	N/A	25	N/A	25	Zone Standards
Flag Lot	N/A	20	N/A	20	20
Townhouse Lots	N/A	As Approved	N/A	As Approved	Zone Standards

Maximum Building Coverage (%): <i>Open air covered porches are excluded from lot coverage.</i>					
All Buildings (percentage of lot) ⁸	30%	35%	30%	35% (40% replacing dilapidated structure)	Determined by parking, landscaping, drainage

⁸ The calculation for lot coverage excludes up to 500sq.ft. of a garage or attached carport

FINDINGS OF FACT: The dwelling layout as shown on the site map meets the R2 setbacks for structures. Front yard 10 feet, side yard 5 feet, and rear yard 10 feet. The dwellings are all proposed as single story and meet these setbacks.

	R1	R2	R3	R4	R5
Maximum Height (ft.): <i>Measured to the highest point from the natural grade, grade is averaged on sloped properties.</i>					
All Buildings/Structures	30 ft.	35 ft.	35 ft.	35 ft.	Design approval above 35ft.
Multi-family/3 or more consecutive Townhomes (side & rear setbacks)	N/A	Additional 1ft setback for every 1ft above 25ft	N/A	Additional 1ft setback for every 1ft above 25ft	Determined by adjacent use
Exceptions to height limit	Hospitals, churches and public schools may be increased to 45 feet	Hospitals, churches and public schools may be increased to 45 feet	Hospitals, churches and public schools may be increased to 45 feet	Hospitals, churches and public schools may be increased to 45 feet	Adjacent to Street or commercial zone 45ft.
Clear Vision - street intersection (measured from curb)	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Clear Vision - alley or pedestrian path (measured from curb or edge)	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.

FINDINGS OF FACT: All proposed dwelling do not exceed the maximum height of 35 feet. Clear vision -street intersection measured from curb exceeds the minimum of 25 feet. Clear vision – ally or pedestrian path measured from curb or edge meets the 15-foot requirement. Criterion is met with this proposed development.

Minimum Street Frontage (ft.): <i>See 153.191(C) for exceptions.</i>					
Standard Street	50	50	100	40	Zone Standards
Cul-de-sac	35	35	50	35	Zone Standards
Townhome Lot (2 lots) 153.084(C)	N/A	25	N/A	25	Zone Standards
Flag Lot	N/A	20	N/A	20	20
Townhouse Lots	N/A	As Approved	N/A	As Approved	Zone Standards

FINDINGS OF FACT: The minimum standard street frontage in R2 is 50 feet. The frontage of the proposed project site is +/-148 meeting this standard.

Maximum Building Coverage (%): <i>Open air covered porches are excluded from lot coverage.</i>					
All Buildings (percentage of lot) ^a	30%	35%	30%	35% (40% replacing dilapidated structure)	Determined by parking, landscaping, drainage

^a The calculation for lot coverage excludes up to 500sq.ft. of a garage or attached carport

FINDINGS OF FACT: The maximum building coverage for R2 zoning is 35%. The proposed development has 6.6% of building coverage meeting this criterion.

153.037 Commercial & Industrial Use Table

153.037 COMMERCIAL & INDUSTRIAL USE TABLE

Storage codes

No outdoor storage unless otherwise noted.	Staging for daily pickup and drop off of equipment and materials permitted.
¹ Screened Outside Storage:	Structural, Sight obscuring fence, or Vegetation shall be required
² Open Outside Storage:	Screening may be required during approval process.

Use Classifications

C1 C2 C3 C4 C5 M1 M2 IP Comments:

Similar uses are allowed and processed as the similar use; unless specifically stated in another zone.

Existing Uses

Expansion of existing public use	O	O	O	O	O	O	O	O	
Replacement of an existing dwelling	O	O	O	O	O	O	O	O	
Expansion of an approved conditional use	T1	T1	T1	T1	T1	T1	T1	T1	

Residential Uses/Accessory Uses

Bed and breakfast facility (in an existing dwelling)	O	O	T1		O				153.083(C)
Boarding, lodging, rooming house or homeless shelter	T2	T2							
Child Care Home (in an existing dwelling)	O	O	O	O	O	O	O	O	
Nursing Home (Elderly Assisted housing)		T2							153.083(O)
Home Occupation	O	O	O	O	O	O	O		153.083(E)
Multi-family dwelling complexes of more than four units	T2	T2							153.083(H)
Resumption or replacement of a residential use where the subject use has previously been conducted and the structure has not been removed for a period of more than one year.	O	O	O	O	O	O	O		
Residential use above commercial ground floor	T1	T1	T1	T1	T1				
Residential use above commercial ground floor (with off street parking)	O	O	O	O	O				
Residential use on ground floor < 30%	T1	T1	T1	T1	T1				Not in front of Bldg., in conjunction with commercial use.
Residence, including a modular or manufactured home for a caretaker or night watchman on property with an existing industrial or commercial use permitted in this zone, or for the owner/operator of the use.		T1				O	O		153.095
Residential Care Facility	T2	T1	T1						153.083(A)

FINDINGS OF FACT: Multi-family dwelling complexes of more than four units can be approved within C2 zoning through a Type 2 Conditional Use review procedure.

SPECIFIC ZONE REQUIREMENTS

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.

FINDINGS OF FACT: The zoning for the proposed project is listed as General Commercial (C2). Within this zoning there are a variety of uses allowed, some outright and others requiring a Conditional Use Permit Type II procedure. The proposed development will be reviewed under the Conditional Use Type II procedure.

The property is currently used as residential with a homesite and detached garage. The new proposal for 9 dwellings provides the City of Prineville an opportunity to supply low-income renters with an opportunity to housing. This is a long-term making of much-needed housing that is affordable. The site is also located within the Dial a Ride boundary giving the residents alternatives to travel. The site is conveniently located for walking and bicycling to stores within the city.

The project site has a wetland on the north side reducing the desirability for placing commercial type businesses that may require larger usable acreage. With that and the need for affordable housing this location provides an ideal place for this development.

(B) Specific Conditions. Section 153.083 contains a list of uses with specific conditions that may apply to specific types of uses.

FINDINGS OF FACT: Section 153.083 is addressed further in this document for specific conditions.

(C) Design Review. Provisions set forth in 153.020 & 153.021 as applicable.

FINDINGS OF FACT: Applicant acknowledges the provision set forth in 153.020 & 153.021 and has addressed as applicable.

(D) Off-street parking and loading. Provided in accordance with the provisions set forth in 153.085 and 153.086.

FINDINGS OF FACT: Off-street parking is addressed in this document under 153.086.

(E) Minimum landscaping requirements. When design review is required a minimum level of landscaping in accordance with 153.087 shall be required.

FINDINGS OF FACT: Landscaping is addressed in this document under 153.087.

(F) Streets & Public Facilities. When design review is required streets and public facilities shall be required in accordance with section 153.194 and the City's Standards and Specifications. These improvements include but are not limited to right-of-way dedication, streets, stormwater management, sidewalks, waterlines, sewer lines, access management and the like.

FINDINGS OF FACT: The street fronting the proposed development is the Madras Highway under the jurisdiction of Oregon Department of Transportation (ODOT). Applicant will coordinate with ODOT for point of access, and any potential frontage improvements. There is currently an off-street path within the right-of-way along the frontage of the subject property. The applicant shall work closely with ODOT for any curb and drainage requirements for the project.

(G) Chapter 155 Natural Features Overlay District. This chapter contains provisions for the protection of riparian areas, wetlands, rimrock, Barnes Butte and construction on steep slopes.

FINDINGS OF FACT: The subject property does display an area within the 100-year floodplain as shown on the map below. All development will occur outside of this floodplain zone and this area will be avoided with no proposed impacts. The subject property does not lie within the Natural Features Overlay District.



(H) Minimum sidewalk requirements. Whether replacing or required by design review; sidewalks shall be constructed to City Standards and Specifications. The minimum sidewalk width in a C-2 Zone is 8ft. Greater widths may be required; the following is guidance for certain situations:

FINDINGS OF FACT: Applicant acknowledges (h) above. There are currently sidewalks with the current off-street path within the ODOT ROW.

(1) When replacing existing sidewalks greater than 8 feet they shall be replaced at the greater width. Unless approved otherwise under design review incorporating landscaping against an existing building.

FINDINGS OF FACT: Acknowledged.

(2) When replacing sidewalks less than 8 feet wide the sidewalk shall be widened.

FINDINGS OF FACT: Acknowledged.

(3) Sidewalks shall not be less than existing sidewalks to which the new or replacement sidewalk is connected. If the general pattern of the street has sidewalks greater than 8 feet then the larger shall be required.

FINDINGS OF FACT: Acknowledged.

(I) Outdoor merchandising. Outdoor merchandising is permitted only as set forth in this section and in 153.093.

FINDINGS OF FACT: No outdoor merchandising will occur.

(J) Signs. In a C-2 Zone, signs are permitted in accordance with the provisions set forth in Chapter 152 as amended.

FINDINGS OF FACT: No signs are proposed.

(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.

FINDINGS OF FACT: No applicable to this application for 9 dwellings and one building for laundry facilities.

(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.

FINDINGS OF FACT: The proposed development is residential. N/A

(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.

FINDINGS OF FACT: The proposed 9 dwellings will not create or cause to be created any public nuisance, including but not limited to odor, dust, noise, vibration, flashing light, or any hazard to the general health, safety, and welfare of the area.

Housing is to be provided for individuals under the oversight of Best Care. Best Care is focused on helping individuals by offering them tools, medical assistance, and compassion, allowing individuals to help inspire change. The Best Care providers places an entire support team for ongoing tools and support that is needed to get well and stay well for the long run. This proposed development will create and cultivate an environment where individuals are able to live in homes and be part of the community.

SUPPLEMENTARY PROVISIONS

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.

(A) Residential care facility or residential care home. When permitted as a conditional use, the facilities shall be subject to the following conditions and limitations:

FINDINGS OF FACT: N/A this is not a residential care facility.

(H) Multi-family dwelling complex. A multi-family dwelling complex permitted as a conditional use shall comply with the following standards and conditions, and the compliance shall be evident prior to occupancy except as may otherwise be approved by the city.

(1) All such complexes with more than 20 dwelling units shall be so located as to have direct access onto an improved arterial or major collector street unless approved otherwise by the city.

FINDINGS OF FACT: The proposal is for 9 dwellings and 1 laundry building, therefore (1) is not applicable for this application. However, the 10-structure complex is located to have direct access onto an improved State Highway.

(2) All such complexes shall provide both an improved ingress and egress.

FINDINGS OF FACT: Proposed project provides an improved ingress and egress as shown on site plan.

(3) Each access road permitting two-way traffic and intersecting a public street shall have a minimum surface width of not less than 30 feet, and not less than 16 feet in width for single-lane, one-way traffic. Interior complex driveways shall not be less than 24 feet in width for two-way traffic, and not less than 12 feet in width for single-lane traffic. For interior driveways providing on-street parking, an additional eight feet of width shall be added for each parking lane or area. All access roads, driveways and parking facilities shall be improved and maintained with "durable and dustless surfaces" as defined in 153.086, and as approved by the City Superintendent of Streets.

FINDINGS OF FACT: The two-way access provides a minimum of 30+ feet at the intersection of the state highway with apron, the access internal drive lane is 24" as required for two-way traffic. The access road and parking facility shall be improved and maintained with durable and dustless surfaces and as approved by the City Superintendent of Streets.

(4) Sidewalks, walkways, bicycle paths and other pedestrian ways may be required. The walks, paths and ways shall not be less than four feet in width and shall be surfaced with concrete, asphalt, asphaltic concrete or paving bricks as approved by the City Superintendent of Streets.

FINDINGS OF FACT: All walks, paths, and ways are not less than four feet in width and shall be surfaced with concrete or asphalt.

(5) The complexes may be required to provide storage facilities and/or extra parking spaces as deemed necessary to provide for tenant storage of household goods, equipment, extra furnishings and/or recreation vehicles.

FINDINGS OF FACT: Applicant acknowledges (5) above for the possibility of additional storage facilities and/or extra parking spaces as deemed necessary to provide for tenant storage of household goods, equipment, extra furnishings and/or recreation vehicles. However, the size and proposed use for these dwellings will not likely require any additional storage.

(6) Each complex, and each individual unit contained therein, shall be serviced with public water and sewer, electrical power, receptacles for garbage disposal and collection service, and fire hydrants shall be installed as deemed necessary by the City Fire Department.

FINDINGS OF FACT: Each individual unit shall be serviced with public water and sewer, electrical power, receptable for garbage disposal and collection service, and fire hydrants shall be installed as deemed necessary by the City Fire Department.

(7) Facilities for incoming and outgoing mail shall be installed in accordance with the requirements of the U.S. Postal Service.

FINDINGS OF FACT: Facilities for incoming and outgoing mail shall be installed in accordance with the requirements of the U.S. Postal Service.

(8) The overall density of the complex shall not exceed the dimensional standards set forth by the applicable zone, except as approved otherwise by the city in accordance with the following factors.

FINDINGS OF FACT: Density of the complex does not exceed the dimensional standards set forth by the applicable zone as noted in 153.036 above in this document.

(a) An increase of 5% in the maximum allowable density for dedicated and improved open space equaling 25% or more of the total land area of the development.

FINDINGS OF FACT: Applicant is not exceeding the maximum allowable density, therefore is not requesting an increase of 5%.

(b) An increase of 5% in the maximum allowable density for the development and maintenance of an approved recreation and/or common use building or other indoor facility.

FINDINGS OF FACT: Applicant is not exceeding the maximum allowable density, therefore is not requesting an increase of 5%.

(c) An increase of 5% for a developed playground area

FINDINGS OF FACT: No playground area is proposed with this development.

(d) An increase of 5% for a developed recreation area including a covered picnic area, basketball and/or tennis court facilities and the like.

FINDINGS OF FACT: Applicant is not exceeding the maximum allowable density, therefore is not requesting an increase of 5%.

(e) As an incentive for development excellent, a total increase of 25% may be permitted if three or more of the foregoing are provided.

FINDINGS OF FACT: Applicant is not exceeding the maximum allowable density, therefore is not requesting an increase.

(9) A complex shall provide recreational space of at least 2,500 square feet plus 50 square feet for each unit in the complex. The recreational space shall be improved with landscaping to provide open recreation and shall be secured from driveways and parking areas. Facilities such as picnic tables, barbecues and playground equipment are recommended.

FINDINGS OF FACT: Recreational space provided for the complex totals 13,525 sf with each unit provided 125 sf meeting this criterion. The property also provides open space for recreation on the back side as shown on the site plan.

(10) For any complex permitting tenants to have recreation vehicles, camp trailers, boats and similar recreational equipment, there shall be provided a separate, designated parking area for such uses at a ratio of one space per each three units in the complex.

FINDINGS OF FACT: The proposed project will not have recreation vehicles, camp trailers, boats and similar recreational equipment located on the project site.

(11) If each unit in the complex is not provided with clothes washing and drying facilities, and there is not a private commercial coin-operated laundry facility within a reasonable walking distance, then there shall be provided within the complex a separate laundry facility providing not less than one washer and one dryer for each six units in the complex.

FINDINGS OF FACT: Washing and drying facilities are provided within the development in the 10th unit.

(12) The total land area of the complex may be required to be surrounded, except at entry and exit locations, by a sight-obscuring fence or hedge not less than six feet in height.

FINDINGS OF FACT: The proposal includes a 6-foot-high sight-obscuring fence as shown on the tentative site plan surrounding the project site.

(T) Residential dwellings in a commercial zone. Residential uses from single family dwelling to fourplexes shall consider the following limitations when placed in a commercial zone.

(1) Structures shall not be located on a major collector or arterial streets unless;

(2) The property is determined not to be commercially viable based on size, location and surrounding uses.

FINDINGS OF FACT: The project location is not determined to be commercially viable based on the unusable area of the site due to the size of the wetlands and the 100-year flood plain located in the north portion of the property. Based on the Prineville GIS Water Layer the 100-year AE flood plain covers +/-39% of the property, leaving +/-0.61 acre for commercial development. The proposed development is designed to avoid the 100-year flood plain and wetlands leaving them intact for environmentally beneficial uses.

(3) Provisions for the future conversion to a commercial business should be considered when placing a

residence on a lot.

FINDINGS OF FACT: The proposed dwellings are designed so that a future conversion to a commercial business would be easily accommodated with the removal of these structures. There would be no major or minor demolition required to convert it into commercial.

153.085 Off-Street Parking and Loading: Provisions and Requirements

(A) The provision and maintenance of off-street parking and loading facilities are continuing obligations of the property owner. No building permit shall be issued until plans are submitted and approved by the city that show property that is and will remain available for exclusive use as off-street parking and loading facilities as required by this section and this chapter. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the required parking and loading facilities set forth by this section and this chapter. It is not, however, the intent of these provisions to require off-street parking and loading facilities in a manner as to unreasonably limit improvements to existing structures and uses, particularly in that area identified as the downtown core commercial area.

(B) Applicability. Unless exempted by this section, all construction, reconstruction, enlargement of a structure or at the time a use is changed in any zone off-street parking facilities shall be provided in accordance with the requirements set forth by this section and section 153.086

FINDINGS OF FACT: Parking is addressed within this section.

(C) Exemptions. The following are exemptions in all zones.

(1) Outright uses existing on or before the effective date of this chapter on a lot or parcel of land that has no remaining room for off-street parking and loading facilities;.

(2) Exterior remodeling and/or expansion of a use up to and not exceeding 25% of the total square footage of all structures on a specific lot or parcel under unit ownership, however, any existing parking displaced by the remodeling and/or expansion shall be replaced.

(3) Changes of uses that are permitted outright in a zone and 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 traffic impacts as determined by the reviewing authority and City Engineer. A change of use application may be required to make this determination.

FINDINGS OF FACT: The applicant is seeking no exemptions from the parking requirements.

(D) Specific Parking Requirements by Zone.

(1) R-1, R-2, R-3 and R-4 Zones.

(a) No specific requirements; the number of spaces required are listed in the table below; spaces shall meet City standards.

FINDINGS OF FACT: This proposed development requires 1.25 parking spaces for a Multi-Family complex of nine plus dwellings. Additionally, two spaces are required for the owner and manager totaling 14 spaces required with one designated as an ADA space. The proposed

number of parking spaces is 15 meeting this requirement.

(2) R-5 Zone.

(a) Shall meet the applicable requirements set forth in the parking table section (E) below; however, 50% of the adjacent on-street parking spaces shall be counted to meet the parking needs as well as any off-site parking spaces owned or leased specifically for the subject development.

FINDINGS OF FACT: N/A

(3) C-1 Zone. More specifically, the provisions of this section shall be exempted for uses permitted outright in a C-1 Zone, which occupy an existing building on a parcel of land which contains no room for parking. For those parcels of land which do have room for parking, the standards of this section shall apply.

(a) All employee and customer parking shall be provided entirely off-street on an area or facility, public or private, designated for such use, unless otherwise approved by the City Planning Commission.

(b) In the event that the City has established a process for a parking in lieu of fee, this fee may be used to reduce required parking in accordance with the policy. This fee would then be used for future public parking facilities.

(c) Redevelopment of existing second and third floor uses, including residential uses shall also be exempt from the parking requirements.

(d) Required parking for new construction shall utilize alleys to the greatest extent possible primarily placing required parking at the rear of the structure and not along the primary or higher order street.

(e) Bicycle parking shall be provided with all new construction at a minimum of 2 spaces per use. Consolidation of Bicycle racks per block is allowed.

FINDINGS OF FACT: Residential development in C2 zoning defaults to R-2 parking requirements.

(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 major collector street or highway to obtain access to the subject use is prohibited.

(a) No use permitted in this zone shall require the backing of traffic onto a public street right-of-way to accommodate ingress or egress to any use or the premises thereof unless approved otherwise by the City.

(b) Bicycle parking shall be provided at a rate of 1 space per 12 vehicle parking spaces.

(5) M-1, M-2 and IP 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 shared by one or more uses permitted in this zone. The location of any off-site parking area that requires pedestrians to cross an arterial or major collector street or highway to obtain access to the subject use is prohibited.

(E) Parking Table. Where the square feet of the structure or use are specified as the basis for the

requirements, the area measured shall be the gross floor area primary to the functioning of the particular use of the structure and property. When the requirements are based on the number of employees and/or the number of occupants, customers or users, the number counted shall be the number of employees working on the premises during the largest shift at peak season, and the number of occupants, customers or users shall be counted as the maximum rated capacity. Fractional requirements shall be counted as a whole space. Off-street parking spaces meeting the minimum dimensional standards in 153.086(I), may include Spaces in garages, carports, parking lots, and/or driveways if spaces are accessible and vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes). Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirement.

<i>Use Description</i>	<i>Minimum Requirements</i>
Residential	
Single Family Dwelling (includes townhomes)	2 spaces per dwelling
Duplex	1 space per dwelling
Multi Family Dwelling (3 to 4 dwellings)	2 spaces per dwelling
Multi-family complex (5 or more dwellings)	2 spaces per dwelling for first 4 dwellings; 1.5 spaces per dwelling from 5 to 8 dwellings; 1.25 spaces per dwelling thereafter, plus 2 spaces for owner/manager.
Res. use other than ground floor	1 space per Dwelling unit.
Res. use ground floor	1 space per Dwelling unit.
Res. 2 nd and 3 rd story in C-1 zone	1 space per Dwelling unit (new), none for existing Dwelling units or converted structures.
Home ential Care Facility	1 space per each two rooms plus 1 space for each manager and employee at peak use.
Residential Care Home	2 spaces.
Accessory dwelling	1 space recommended, not required

FINDINGS OF FACT: As stated above residential parking defaults to R-2 standards within C2 zones. The required amount of parking required is 14 spaces with 15 spaces provided.

153.086 Off-Street Parking and Loading: Design/Improvement Standards

(A) In the event that several uses occupy a single lot or building, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

FINDINGS OF FACT: N/A

(B) Owners of 2 or more uses, structures or parcels of land may agree to jointly utilize the same parking, loading and access facilities when the hours of operation do not overlap; provided however that satisfactory legal evidence is submitted to and approved by the reviewing authority in the form of deeds, leases or contracts to establish the joint use and provide for improvements and maintenance thereof.

FINDINGS OF FACT: N/A

(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.

FINDINGS OF FACT: Off-street parking for the proposed project will all be located in the same lot with the dwellings. The parking spaces will not be located further than 600 feet from the dwellings they are required to serve measured horizontally in a straight line from the dwelling 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.

(D) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of inoperable or other non-passenger vehicles, materials or the parking of trucks used in conducting the business or use.

FINDINGS OF FACT: All parking spaces shall be available for the parking of operable passenger automobiles of residents and shall not be used for storage of inoperable or other non-passenger vehicles, materials, or the parking of any trucks.

(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:

FINDINGS OF FACT: All parking areas will be constructed of asphalt or concrete.

(1) Parking in conjunction with single and two family dwellings

FINDINGS OF FACT: All parking are in conjunction with single family dwellings.

(2) Parking and maneuvering of heavy equipment (ex. Saw mills, lumber yards, heavy equipment yards, shipping yards and warehousing)

FINDINGS OF FACT: N/A to this project. No heavy equipment will be located on the project site with the exception for construction purposes.

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

FINDINGS OF FACT: No storage of bulky merchandise will occur on this site – N/A to this project.

(F) The following off-street parking development standards shall apply.

(1) Parking areas, aisles and turnarounds shall be paved with concrete, asphaltic or comparable durable and dustless surfaces as defined in division (E) of this section, or as otherwise approved by an authorized official of the City.

FINDINGS OF FACT: The parking area shall be paved with concrete or asphalt.

(2) Approaches to driveways providing ingress and egress to parking areas shall be paved with asphalt, asphaltic concrete or concrete surfacing and inspected by the City Street Superintendent. In the event that a serving street is not paved, the approach may be maintained to the same standard as the street until the street is paved.

FINDINGS OF FACT: The approach is paved and the applicant will work with ODOT for permitting and driveway approach requirements.

(3) Parking areas, aisles and turnarounds shall have provisions made for the onsite collection of drainage waters to filter contaminants and eliminate sheet flow of the waters onto or across sidewalks and other pedestrian ways, bike paths, public rights-of-ways and abutting private property.

FINDINGS OF FACT: The parking areas, aisles and turnarounds shall have provisions made for the onsite collection of drainage waters to filter contaminants and eliminate sheet flow. All stormwater will be collected onsite and treated within an onsite stormwater facility as shown on the site plans.

(4) In areas that are duly designated for parking, parking spaces shall be permanently and clearly marked except as otherwise approved by the city.

FINDINGS OF FACT: Parking spaces shall be permanently and clearly marked.

(5) Wheel stops and bumper guards shall be provided where appropriate for parking spaces abutting a property line or building and no vehicle shall overhang a public right-of-way or other property line. Unless otherwise approved, parking spaces along the outer boundaries of a parking lot shall be contained by a curb which is at least 4 inches high and set back a minimum of 4.5 feet from the property line or by a bumper rail.

FINDINGS OF FACT: Parking spaces shall be contained by a curb which is at least 4 inches high and set back a minimum of 4.5 feet from the property line.

(6) Artificial lighting for parking areas which may be provided or required shall be shielded or deflected so as not to shine directly into adjoining properties, dwellings or businesses and so as not to create a hazard to the public use of a street.

FINDINGS OF FACT: Lighting shall be designed as to not directly shine into adjoining properties, dwellings, or businesses and shall not create hazard to the public use of a street.

(G) Unless otherwise provided for, required parking spaces and other nonstructural parking facilities may be located in required yards and other setbacks.

FINDINGS OF FACT: N/A, the parking lot is not located in required yards or other setbacks.

(H) Except for parking to serve residential uses not including multi-family dwelling complexes, parking and loading areas adjacent to residential uses shall be designed to minimize disturbance of residents by the erection of a sight-obscuring fence of not less than 4 nor more than 6 feet in height, except where vision clearance is required.

FINDINGS OF FACT: The applicant is proposing a 6 foot sight obscuring fence around the property.

(I) Except as may be approved or required otherwise by the reviewing authority the standards set forth in the following table shall be the minimum size to count as an off street parking space or drive aisle for parking lots, driveways, garages or carports approved under this section and this chapter (all figures are in feet).

<i>Parking Angle ft.</i>	<i>Stall Width ft.</i>	<i>Stall depth ft.</i>	<i>Curb Length ft.</i>	<i>Drive Aisle 1-way ft.</i>	<i>Drive Aisle 2-way ft.</i>
					
0° (parallel)	8	8	23	12	24
30°	9	17	18	12	24
45°	9	19	12.5	13	24
60°	9	20	10.5	18	24
90°	9	20	9	24	24
Driveway	10	20	10	12	24
Garage or Carport	10 (interior)	20 (interior)			

FINDINGS OF FACT: The off-street parking spaces and drive aisles meet the standards as shown in the table above and as shown on the tentative site plan.

(J) Except as otherwise provided for in this division (J), or as may otherwise be approved by the reviewing authority, required parking lots, areas and facilities shall be improved and available for use by the time the use; to be served by the parking, is ready for occupancy.

FINDINGS OF FACT: Acknowledged.

(1) An extension of time may be granted by the city or other jurisdictional authority providing a performance bond, or its equivalent, as approved by the city and the other jurisdictional authority, is posted equaling the cost to complete the improvements as established by actual contractor's bid or by a licensed engineer approved and/or selected by the city.

FINDINGS OF FACT: Acknowledged.

(2) The extension of time may not exceed 1 year and, in the event the improvements are not completed within the 1 year time period, and an additional time period is not granted by the city, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the city.

FINDINGS OF FACT: Acknowledged.

(3) In no case shall the total time period of all extensions granted exceed a period of more than 3 years. In the case that costs to complete the construction are in excess of the bond or its equivalent, including the costs incurred by the city for engineering, bid preparation and advertisement, and construction inspection, the applicant and/or property owner shall be liable for the extra costs.

FINDINGS OF FACT: Acknowledged.

(K) Loading and Unloading.

(1) Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

FINDINGS OF FACT: The parking is not designed for continuous forward flow – N/A to this project.

(2) Merchandise, materials or supplies. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck or other motor vehicle shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.

(a) If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.

FINDINGS OF FACT: 2 (a) above are not applicable to this project.

(b) Off-street parking areas used to fulfill the requirements of this section and this chapter shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs of the subject use.

FINDINGS OF FACT: No parking spaces will be used for loading and unloading operations related to this proposed development.

(L) Access aisles and Service drives.

(1) Access aisles shall be surfaced and of sufficient width for all vehicle turning and maneuvering, and in no case shall access aisles be approved which are less than 12 feet in width.

FINDINGS OF FACT: Access aisles shall be surfaced with concrete or asphalt and of sufficient width for all vehicle turning and maneuvering.

(2) All residential off-street parking areas commencing from a public street or highway shall have at least 1 service drive, surfaced with a durable and dustless surface as defined in division (E) of this section, and all service drives shall likewise be so surfaced.

FINDINGS OF FACT: The proposed off-street parking is designed to have 1 service drive/driveway, surfaced with concrete or asphalt.

(3) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provided maximum safety of traffic ingress and egress, and maximum safety of pedestrians and vehicular traffic on-site.

FINDINGS OF FACT: The service drive/driveway to off-street parking is designed and constructed to facilitate the flow of traffic, provided maximum safety of traffic ingress and egress, and maximum safety of pedestrians and vehicular traffic on-site. This is shown on the tentative site plan with sidewalks providing places for pedestrian safety.

(4) Groups of more than 4 parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street other than an alley will be required to accommodate ingress and egress. Driveways serving the areas shall be designed and constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one-way driveways be less than 24 feet and 12 feet in width respectively.

FINDINGS OF FACT: The proposed driveway is designed that no backing movements or other maneuvering within a street occurs. The driveway serving the project site is designed and will be constructed to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. The proposed two way driveway exceeds the 24 feet minimum.

(5) The number of required service drives shall be determined by the City Superintendent of Public Works,

City Council or other jurisdictional authority.

FINDINGS OF FACT: Acknowledged.

(6) All commercial service drives shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives.

FINDINGS OF FACT: N/A to this development.

(7) Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line and a straight line joining the lines through points 20 feet from their intersection or as otherwise required in 153.081.

(M) For those uses which require off-street parking, a plan drawn to scale indicating how the off-street parking and loading requirements are to be fulfilled shall accompany the application for site plan review or conditional use permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include, but not be limited to the following.

(1) Delineation of individual parking spaces.

(2) Circulation area necessary to serve spaces.

(3) Access to streets, alleys and properties to be served.

(4) Proposed curb cuts, locations and widths.

(5) Dimensions, continuity and substance of screening.

(6) Landscape, lighting and signage plans.

(7) Grading, drainage, surfacing and sub-grading details.

(8) Delineations of all structures or other obstacles to parking and circulation on the site.

FINDINGS OF FACT: The tentative plan includes 1-8 above where applicable.

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.

(B) Existing vegetation. Existing site vegetation may be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.

(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 and/or the following:

(1) Multifamily dwellings & complexes: 20%.

FINDINGS OF FACT: Through a combination of trees, shrubs, and lawn the proposed project has 30.9% of landscaping exceeding the 20% requirement.

(2) Downtown Enhancement Plan C-1 Zone.

(3) Parking lots. Parking areas shall be required to be landscaped in accordance with the following minimum requirements:



(a) In commercial and residential developments, parking areas shall be divided into bays of 12 spaces and between or at the end of each parking bay a curbed planter containing at least 16 square feet shall be (b) Each planter should contain at least 1 tree and ground cover. An applicant may submit alternate plans for review and approval.

(c) The areas shall be designed to be protected from being damaged by vehicles using the parking area.

(d) Clear vision at the intersection within a parking area shall be maintained to provide adequate vision of vehicles and pedestrians.

(e) Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum 4 foot strip of landscaping.

FINDINGS OF FACT: The landscaping as shown on the landscape plan included within this application shows the required square footage and number of plants/trees to meet the landscaping standards. The proposed landscape plan has provided additional trees and shrubs along the property lines to add additional buffering between the project site and neighboring properties. All landscaped areas are designed to be protected from being damaged by vehicles that use the parking area with 4"+ curbs. The parking area shall be maintained to provide adequate vision for vehicles and pedestrians. Sidewalks are utilized along the parking area adjacent to structures for pedestrian safety.

(f) Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.

FINDINGS OF FACT: The off-street parking area does not abut a public right-of-way.

(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.

FINDINGS OF FACT: The proposed landscape plan is designed to provide additional trees and shrubs to reduce the impacts of the proposed development on adjacent uses and zones.

(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.

(2) Industrial uses abutting residential or commercial zones, public recreation area or use, institutional use, scenic resource, noise sensitive use or public right-of-way.

(3) Multifamily complexes containing 4 or more units abutting a residentially zoned parcel that is limited to single family residential use, public recreation area, scenic resource, institutional use or public right-of-way.

(4) Manufactured or mobile dwelling subdivision or park abutting a residentially zoned parcel that is limited to single family residential use, public recreation area, scenic resource, institutional use or public right-of-way.

(5) Public or private recreation area or facility abutting a residential or commercial use, institutional use, scenic resource, noise sensitive use or public right-of-way.

FINDINGS OF FACT: The applicant is proposing additional landscaping along the sight-obscuring fence around the perimeter of the property providing additional buffering from neighboring properties.

(c) A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.

FINDINGS OF FACT: Additional buffering with screening is proposed with this project.

(d) In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the

standards above. A plan and specifications for an alternative shall be reviewed and approved by the reviewing authority with jurisdiction over the approval of the applicable use. required. Parking areas less than 12 spaces may require curbed planters as part of the landscape standard.

FINDINGS OF FACT: The landscaping plan provides additional buffering and meets the standards required within this code.

(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.

FINDINGS OF FACT: All landscaping will be planted as noted in 1-4 above and as shown on the landscape plan within this application packet.

(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.

FINDINGS OF FACT: Landscaping shall be continually maintained to include watering, weeding, pruning and replacement of plant materials as needed.

153.090 Fences

Fences, except of barbed wire and of similar hazardous materials, are permitted in any zone and do not require a zoning permit for construction. The fences shall, however, be in compliance with the following provisions.

(A) Fences within the setback areas of yards shall not exceed 6 feet in height except as otherwise approved as a type I conditional use and constructed to meet Building code requirements.

FINDINGS OF FACT: A 6 foot site-obscuring fence is proposed for the perimeter of subject property.

(B) Fences which may be located in front yards shall not exceed 4 feet in height with the exception of the M-1 and M-2 zones, decorative fencing such as wrought iron that can be easily seen through and flag lots where lot lines may conflict with neighboring side and rear lot lines. All other exceptions shall be approved by the Planning Commission based on unique circumstances or land use. (For the purposes of this section "front yard" shall be defined as the area between the street and nearest point of the primary structure).

FINDINGS OF FACT: Fencing proposed for the front of the property is 4' high along Madras-Prineville Highway frontage. Fencing along the perimeter of the property (NW & NE Sides) is proposed with 6' site obscuring fence for privacy.

(C) Fences which may be located within clear-vision areas shall not exceed 2 ½ feet in height.

FINDINGS OF FACT: Acknowledged

(D) Fences shall not be located within a surface water or wetland setback. (see Chapter 155 Natural Features Overlay District).

FINDINGS OF FACT: Fencing is located as shown on Siteplan Detail T2 within this planning packet.

(E) Fences shall be maintained in good condition at all times and shall not create any unsightly or hazardous condition.

FINDINGS OF FACT: All fencing shall be maintained in good condition and repaired/replaced as necessary.

(F) All fences, or portions thereof, shall be located or constructed in a way as to not prevent reasonable access to abutting properties for building maintenance or fire protection purposes.

FINDINGS OF FACT: No fencing shall prevent reasonable access to abutting properties for building maintenance or fire protection purposes.

(G) Fences, or portions thereof, shall be located or constructed in a manner as to not unreasonably obstruct significant scenic views of the valley, mountains or natural features of the area from adjacent buildings.

FINDINGS OF FACT: Acknowledged

(H) The height of a fence shall be measured from the ground level where located. A fence may be placed on top of a retaining wall where the property has been leveled to one side. The ground may not be elevated for the sole purpose of elevating a fence.

FINDINGS OF FACT: Acknowledged

(I) As applicable, the construction or reconstruction of fences shall comply with the Building Code as administered by the City or County Building Department.

FINDINGS OF FACT: Applicant shall comply with the Building Code as administered by the City or County Building Department for the construction or reconstruction of fencing.

(J) No owner or person in charge of property shall create a hazard by being the owner or otherwise having possession of property where there is a fence that is not structurally stable.

FINDINGS OF FACT: Acknowledged

(K) No owner or persons in charge of property shall construct or maintain a barbed-wire fence along a sidewalk or public way; except the wire may be placed above the top of fencing that is not less than 6 feet high.

FINDINGS OF FACT: No barbed-wire fencing is proposed. N/A

(L) No owner or person in charge of property shall construct, maintain or operate an electric fence along a

sidewalk or public way or along the adjoining property of another person.

FINDINGS OF FACT: No electric fencing is proposed. N/A

CONDITIONAL USES

153.135 Authorization to Grant or Deny

Uses designated in this chapter as conditional uses may be permitted, enlarged or otherwise altered when authorized in accordance with the standards and procedures set forth in this chapter. In the case of a use existing prior to the effective date of this chapter, a change in use, enlargement or alteration of such use shall conform to the provisions of a conditional use if so classified. An application for a conditional use may be approved, modified, approved with conditions or denied by the designated reviewing authority.

(A) A conditional use that is utilizing an existing building may be transferred to a new owner or user for the same type of use. Conditions of the approval shall still apply.

FINDINGS OF FACT: No existing building/s are being transferred. N/A

(B) A conditional use that is utilizing an existing building may be transferred to a new owner or user for a similar type of impact as determined by the Planning Director. A change of use application shall be required and may be referred to the Planning Commission if one or more concerns are received or if 3 or more Commissioners believe the application warrants a Commission review.

FINDINGS OF FACT: No existing building/s are being transferred. N/A

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.

FINDINGS OF FACT: The applicant is proposing needed housing and shall comply with noise, vibration, air, or water pollution.

(B) Establishing a special setback or other open space requirements, and increasing the required lot size or other dimensional standards.

FINDINGS OF FACT: The applicant is proposing open-space as required for this type of development.

(C) Limiting the height, size or location of a building or other structure or use.

FINDINGS OF FACT: Applicant acknowledges (C) above and will adhere to any set conditions.

(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.

FINDINGS OF FACT: Applicant acknowledges (D) above improvements required to serve the subject property.

(E) Designating the size, number, improvements, location and nature of vehicle access points and routes, and requiring pedestrian and/or bicycle ways.

FINDINGS OF FACT: Acknowledged

(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.

FINDINGS OF FACT: The applicant is not proposing any signs but will limit the number, size, location, height and lighting intensity and/or direction of lighting.

(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.

FINDINGS OF FACT: The applicant acknowledges (G) above and is proposing fencing and added landscaping for buffering of neighboring properties.

(H) Protecting and preserving existing trees, other vegetation and water, scenic, historic, archaeological, unique, landmark or other natural or manmade significant resources.

FINDINGS OF FACT: Where possible the project will protect and preserve existing trees and other vegetation.

153.137 Application for Conditional Use

A property owner or duly authorized agent may initiate a request for conditional use or the modification of an existing conditional use by filing an application with the city using forms prescribed therefore by the city. The standard application form shall be completed in its entirety and shall be accompanied by a site plan, drawn to scale, and showing the dimensions, arrangement and intended use of the proposed development. The application shall also be accompanied by a vicinity map showing the subject property, all properties within 100 feet and the names and addresses of all property owners within 100 feet as reported by the current County Assessor's records. If an application is submitted by any person or persons other than the property owner or authorized agent thereof, the application shall be jointly signed by the owner or agent, or there shall be submitted an accompanying certified statement from the owner or agent attesting to the knowledge and approval of the submittal. An application shall not be deemed complete unless accompanied by the required filing fee established by the City Council by ordinance or resolution.

FINDINGS OF FACT: The applicant is filing an application with the city using forms prescribed therefore by the city. The application form is submitted with this submittal and with other required documents. The application includes a list of property owners within 100 feet of the proposed project.

153.138 Time Limit on a Conditional Use Permit

(A) Authorization of a conditional use permit shall be null and void after one year or such other time as may

be specified in the approval thereof unless substantial development, compliance and/or investment is clearly evident.

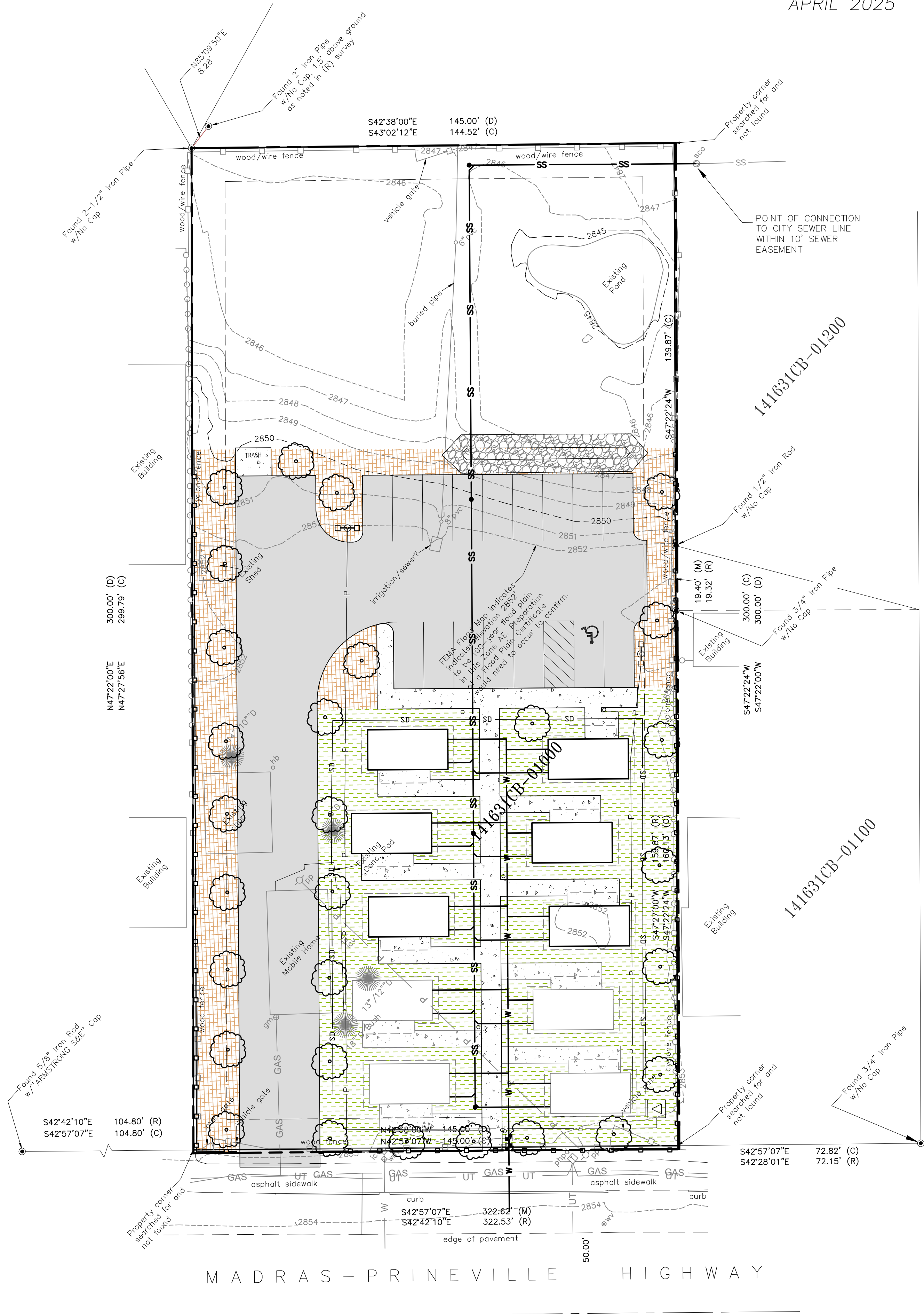
(B) Issuance of a conditional use permit shall confer no right to the applicant beyond the time period for which it was issued.

(C) If the conditions applicable to a conditional use permit are not fulfilled within a reasonable time, the Commission may revoke the permit after giving notice to the applicant, affected property owners and other affected persons or parties, and upon holding a public hearing to make the determination.

SITE PLAN APPLICATION

Prineville Cluster Housing Project

Madras-Prineville Highway and Studebaker Drive
APRIL 2025



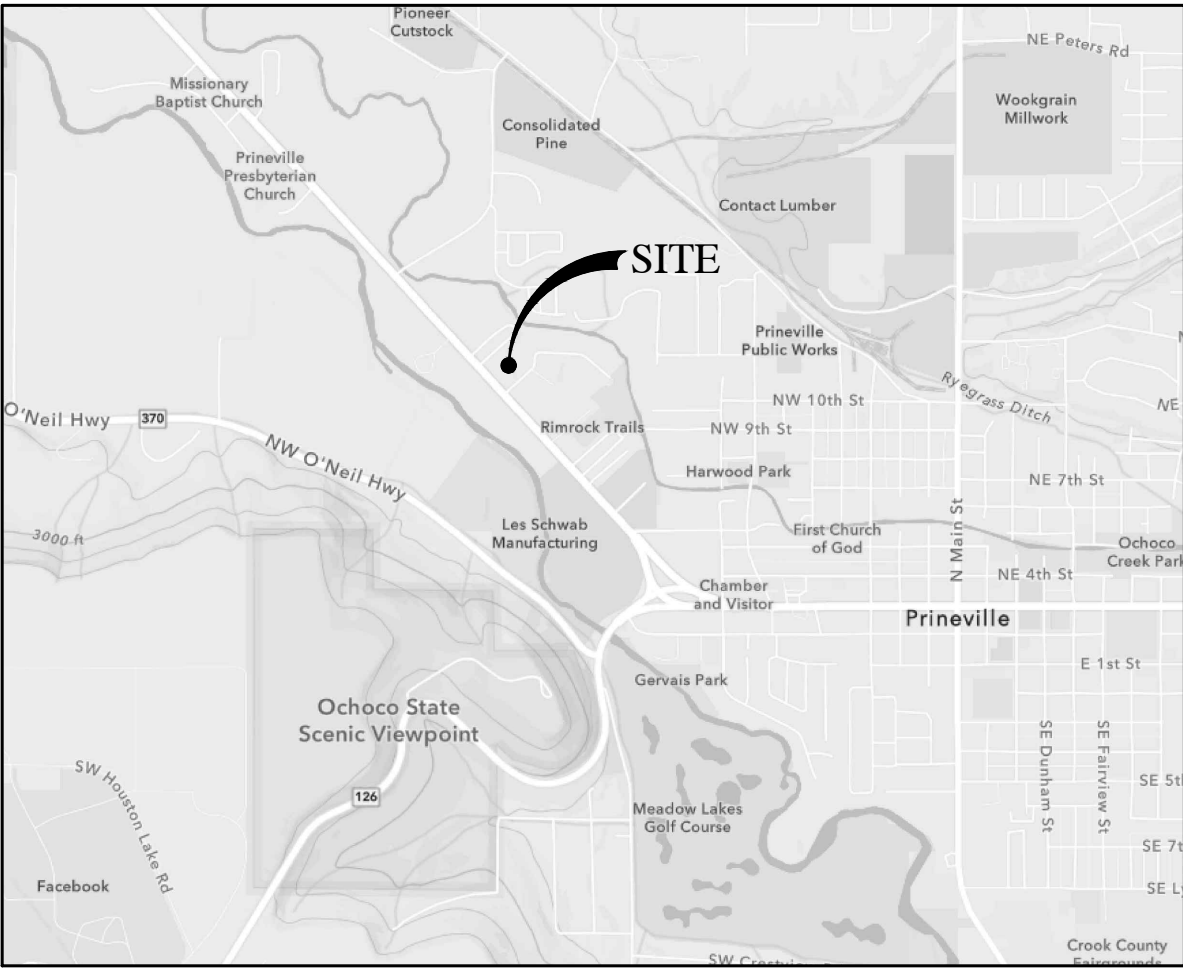
CIVIL ENGINEER/SURVEYOR:
RHINE-CROSS GROUP
112 N 5th ST - SUITE 200
KLAMATH FALLS, OR 97601
(541) 851-9405
CONTACT: MARC CROSS

ARCHITECT:
PINNACLE ARCHITECTURE
1001 SW DISK DR - SUITE 105
BEND, OR 97702
(541) 388-9897
CONTACT: MARK ROSSI

OWNER:
BESTCARE TREATMENT SERVICES
ATTN: BRIAN PALOMO
P.O. BOX 1710
REDMOND, OR 97756
(541) 504-9577

JURISDICTION:
CITY OF PRINEVILLE
387 NE 3RD ST
PRINEVILLE, OR 97754
(541) 447-5627

PROPERTY INFORMATION:
ADDRESS: 996 NW MADRAS HWY
MAP: 14S16E31CB
TAX LOT: 1000
ZONE: C2 - GENERAL COMMERCIAL
SURROUNDING ZONE: C2 - GENERAL COMMERCIAL
ACREAGE: 1.0 ACRES TOTAL PARCEL AREA
TERRAIN: EXISTING MOBILE HOME AND OUT-BUILDINGS, TERRAIN
RELATIVELY FLAT
FIRE DISTRICT: CITY OF PRINEVILLE
STREETS/STORM WATER: CITY OF PRINEVILLE
SANITARY SEWER: CITY OF PRINEVILLE
WATER SERVICE: CITY OF PRINEVILLE
EXISTING LAND USE: RESIDENTIAL
PROPOSED LAND USE: CLUSTER HOUSING PROJECT
UTILITIES: GAS, POWER, TELEPHONE, CABLE TV ONSITE



VICINITY MAP
N.T.S.

PRELIMINARY SITE DATA & CALCULATIONS

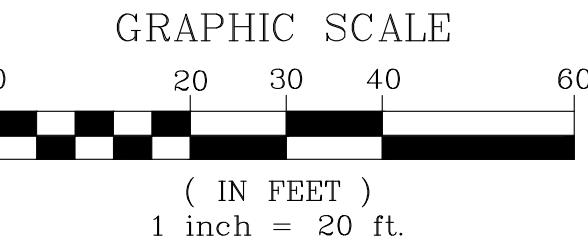
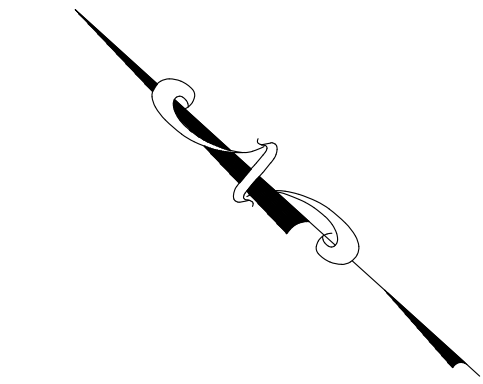
TOTAL PROPERTY AREA:	43,700 sq.ft.
PROPOSED BUILDING AREAS:	2,880 sq.ft.
TOTAL BUILDING COVERAGE:	6.6%
TOTAL PRIVATE PAVED AREA:	10,346 sq.ft.
TOTAL PRIVATE PAVED COVERAGE:	23.7%
TOTAL PRIVATE SIDEWALK AREA:	3,346 sq.ft.
TOTAL PRIVATE SIDEWALK COVERAGE:	7.7%
TOTAL PRIVATE LANDSCAPE AREA:	13,525 sq.ft.
TOTAL PRIVATE LANDSCAPE COVERAGE:	30.9%
TOTAL OPEN/UNDISTURBED AREA:	13,603 sq.ft.
TOTAL OPEN/UNDISTURBED COVERAGE:	31.1%

SITE REQUIREMENTS
(RESIDENTIAL R1)

SETBACKS:	
FRONT (MADRAS-PRINEVILLE HWY)	10 ft
EXTERIOR SIDE (STUDEBAKER DR)	10 ft
INTERIOR SIDE	10 ft*
REAR	10 ft
* - Note 10ft Setback for Cottage Clusters	
MAXIMUM BUILDING HEIGHT:	28 ft

LEGEND

- = Found monument as noted
- ☀ 6"D = Existing Deciduous Tree
- ⊙ wv = Existing Water Valve
- ⊙ wm = Existing Water Meter
- ⊙ hb = Existing Hydrant Hose Bib
- ⊙ 6"pvc = Existing 6" PVC pipe
- ⊙ gm = Existing Gas Meter
- ⊙ sco = Existing Sewer Cleanout
- ⊙ phpd = Existing Phone Box or Pedestal
- ⊙ pp = Existing Power Pole
- ⊙ icv = Existing Irrigation Control Box or Valve
- 2852 — = Existing Elevation Contour
- w — = Existing Water Line Locate
- s — = Existing Sewer Line Locate
- p — = Existing Overhead Power Line
- gas — = Existing Natural Gas Line Locate
- ut — = Existing Cable/Phone/Fiber Optic Locate
- (D) = Dimensions per current property deed
- (R) = Record data per CS# 3890
- (C) = Calculated dimension

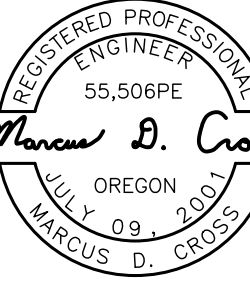


SHEET INDEX

T1	SITEPLAN OVERALL
T2	SITEPLAN DETAIL
T3	GRADING, DRAINAGE & UTILITY PLAN
T4	LANDSCAPE PLAN

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admin@rc-grp.com



RENEW: 12-31-2025
04-30-2025

Prineville Cluster Housing

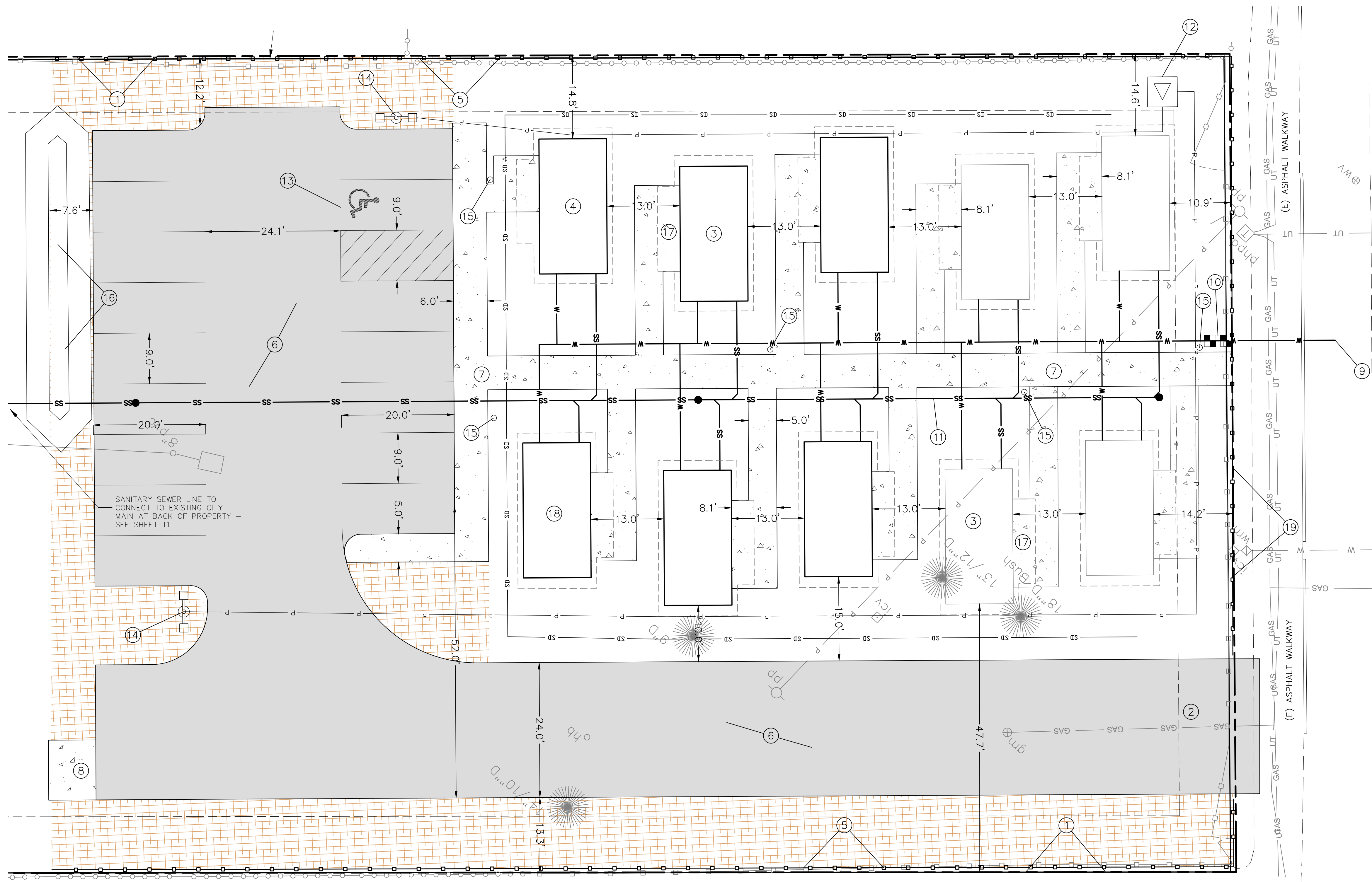
SHEET NAME:
Overall
Siteplan

DRAWN BY: TDC
CHKD BY: MDC
DATE: APRIL 2025

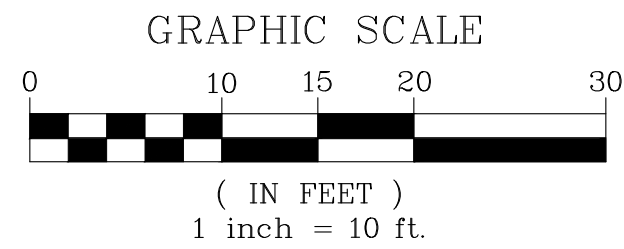
REVISIONS:

JOB NO.
2328
SHEET NO.

T1



MADRAS-PRINEVILLE HIGHWAY



SITEPLAN NOTES:

- PROPERTY LINE
- PROPOSED PUBLIC ROAD ACCESS, WIDTH AS SHOWN
- PROPOSED CLUSTER HOME (288 s.f. Typ.). THE FRONT FOUR HOMES WILL BE CONSTRUCTED AS IN PHASE 2
- PROPOSED ADA ACCESSIBLE CLUISTER HOME (288 s.f.)
- PROPOSED 6' HIGH PRIVACY FENCE (CHAIN LINK WITH PRIVACY SLATS) ALONG NW & NE SIDES WHERE NO FENCE ALREADY EXISTS
- PROPOSED ASPHALT AREA
- PROPOSED CONCRETE SIDEWALK AND PATIO AREAS
- PROPOSED TRASH/RECYCLING ENCLOSURE TO BE SCREENED WITH 6' TALL PRIVACY FENCE & GATE
- POINT OF CONNECTION TO CITY WATER LINE, EXISTING WATER METER TO BE ABANDONED
- INSTALL 2" WATER METER AND 2-1/2" SERVICE LINES
- INSTALL 6" SEWER LATERAL CONNECTION TO CITY MAIN.
- INSTALL NEW TRANSFORMER VAULT ONSITE WITH POWER METER ON BACK OF ADA UNIT (SEE NOTE #4).
- NEW ADA VAN ACCESSIBLE STALL. VAN ACCESSIBLE SPACE TO BE ACCOMPANIED BY A STANDING "VAN ACCESSIBLE" SIGN, AND SLOPE OF ADA SPACE IS NOT TO EXCEED 2% IN ANY DIRECTION
- ALL PROPOSED SITE LIGHTING TO BE HOODED AND DOWNWARD FACING AND SHALL NOT ILLUMINATE OUTSIDE OF THE PROPOSED SITE
- PROPOSED PATHWAY LIGHTING TO CONSIST OF LIGHT BOLLARDS SPACED AS SHOWN
- PROPOSED MASTER STORMWATER FACILITY
- PROPOSED 15.7x8' PATIO (125.6sq.ft.) AT EACH STRUCTURE FOR PRIVATE OPEN SPACE
- PROPOSED OFFICE/LAUNDRY BUILDING
- PROPOSED 4' HIGH FENCE ALONG MADRAS-PRINEVILLE HIGHWAY FRONTAGE

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KLAMATH FALLS, OREGON 97601

REGISTERED PROFESSIONAL
ENGINEER
55,506PE
MARCUS D. CROSS
RENEWALS: 12-31-2025
04-30-2025

Prineville Cluster Housing

PRINEVILLE OREGON

SHEET NAME:

Siteplan
Detail

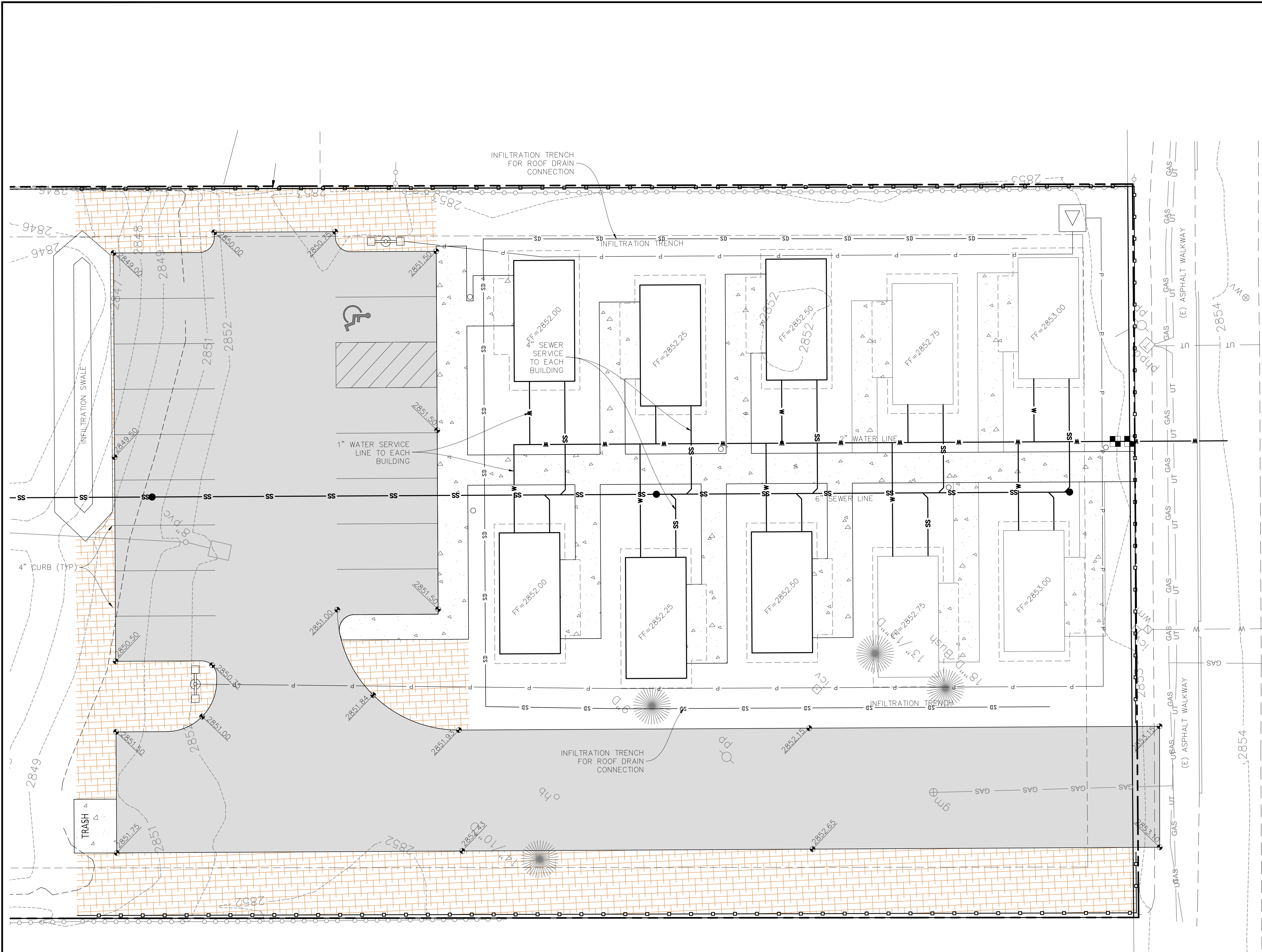
DRAWN BY: TDC
CHKD BY: MDC
DATE: APRIL 2025

REVISIONS:

JOB NO.
2328

SHEET NO.

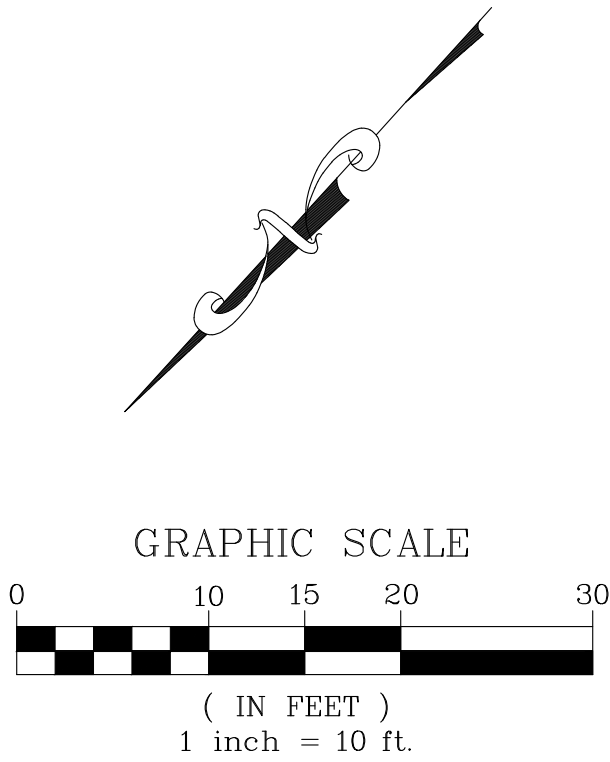
T2



MADRAS-PRINEVILLE HIGHWAY

- GENERAL NOTES:
- ALL STREET IMPROVEMENTS, SEWER, AND STORMWATER UTILITIES INFRASTRUCTURE LOCATED IN THE RIGHTS-OF-WAY SHALL BE PUBLIC. ALL UTILITIES OUTSIDE OF THE PUBLIC ROADWAY AND OR PUBLIC UTILITY EASEMENTS SHALL REMAIN PRIVATE.
- ALL SIDEWALKS WILL BE DESIGNED AND CONSTRUCTED TO CITY OF PRINEVILLE, ODOT, AND ADA SIDEWALK STANDARDS. DETAILS OF THESE WILL BE PROVIDED IN THE REQUIRED SITE CONSTRUCTION DRAWINGS.
- SANITARY SEWER:
- 8" SANITARY MAIN EXISTS WITHIN NW MADRAS-PRINEVILLE HIGHWAY. A 6" PUBLIC SEWER LATERAL WILL BE CONNECTED TO THIS LINE AND PRIVATE LINES WILL BE ROUTED THROUGH THE SITE TO COLLECT AND ROUTE SEWER TO THE PROPOSED SINGLE LATERAL.
 - SANITARY SEWER SERVICE WILL BE PROVIDED BY THE CITY OF PRINEVILLE.
- STORM SEWER:
- ALL RUNOFF FROM ROOFS AND STREET AREAS WILL BE COLLECTED INTO A STORM SYSTEM AND ROUTED TO AN ONSITE MASTER STORMWATER FACILITY AS SHOWN.
 - DEVELOPED STORM-WATER RUNOFF WILL BE RETAINED ONSITE IN INFILTRATION SWALES AND ROOF DRAIN INFILTRATION TRENCHES. ALL STORMWATER RETENTION AND DETENTION WILL MEET CITY OF PRINEVILLE STANDARDS. A STORMWATER INFILTRATION SWALE WILL BE LOCATED ON THE SOUTHEAST SIDE OF THE PROJECT AT THE NATURAL LOW POINT.
 - ALL STORM LINES WITHIN THE PUBLIC RIGHT OF WAYS WILL REMAIN PUBLIC.
 - ALL STORM LINES AND DETENTION FACILITIES OUTSIDE OF THE PUBLIC RIGHT OF WAY WILL BE PRIVATELY OWNED AND MAINTAINED BY THE PROPERTY OWNER.
 - STORM-WATER OVERFLOW WILL BE ROUTED TO THE MADRAS-PRINEVILLE HIGHWAY STREET CURB LINE AND ROUTED TO EXISTING CATCH BASINS SOUTH OF THE SITE.
- DOMESTIC WATER:
- AN 8" WATER MAIN EXISTS WITHIN MADRAS-PRINEVILLE HIGHWAY WITH WATER PROVIDED BY CITY OF PRINEVILLE WATER.
 - A 2" WATER METER WILL BE CONNECTED TO THE PUBLIC MAIN AND ROUTED ONSITE FOR SERVICE TO EACH STRUCTURE.
- OTHER UTILITIES:
- A GAS MAIN EXISTS WITHIN MADRAS-PRINEVILLE HIGHWAY AND WILL BE CONNECTED TO IF GAS SERVICE IS DESIRED.
 - POWER IS AVAILABLE SOUTHEAST OF THE SITE. SERVICE WILL BE PROVIDED BY PACIFIC POWER. A NEW TRANSFORMER WILL BE SET ONSITE WITH THE MAIN METER INSTALLATION TO BE DETERMINED.
 - COMMUNICATIONS IS AVAILABLE AT THE STREET FRONTAGE.
 - STREET LIGHTS WILL BE PROVIDED AS SHOWN. THE FINAL DESIGN WILL BE DEVELOPED DURING THE FINAL CONSTRUCTION DOCUMENTS.
 - ALL UTILITIES WILL BE ROUTED THROUGH THE SITE IN UNDERGROUND CONDUITS WITH EASEMENTS IF NECESSARY.

GRADING: APPROXIMATELY 1,500 cu.yds. EXCAVATION WILL BE NECESSARY TO CONSTRUCT SITE DEVELOPMENT. THE AREA OF GRADING WILL BE LESS THAN 1 ACRE, THEREFORE A DEQ 1200-C PERMIT IS NOT REQUIRED FOR THIS PROJECT. A CITY OF PRINEVILLE SITE GRADING & EROSION CONTROL PERMIT WILL BE REQUIRED.



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Prineville Cluster Housing
PRINEVILLE OREGON

SHEET NAME:
Grading, Drainage & Utility Plan

DRAWN BY: TDC
CHKD BY: MDC
DATE: APRIL 2025

REVISIONS:

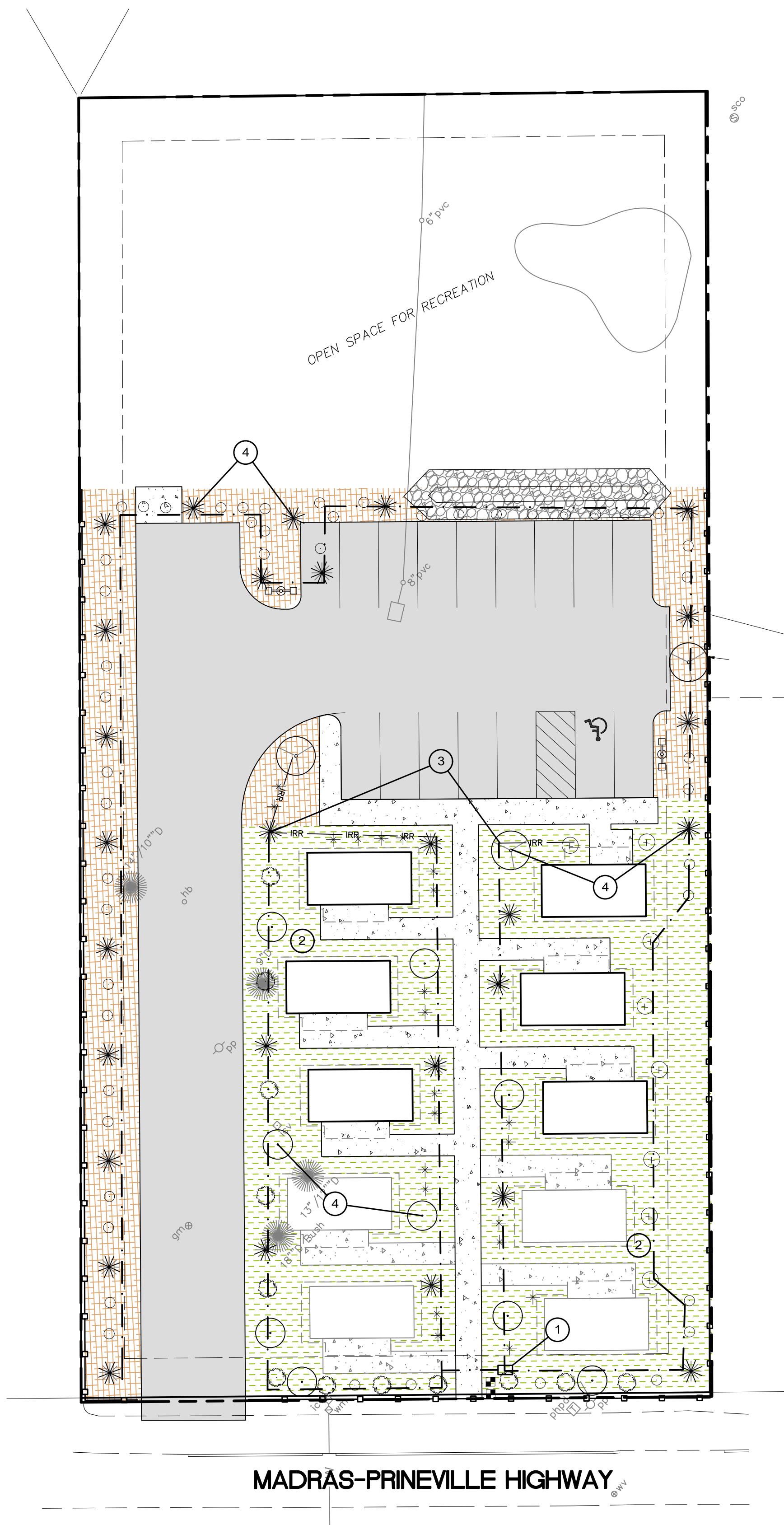
JOB NO. 2328
SHEET NO. T3

Tree Planting Schedule				
	3	CERCIS CANADENSIS EASTERN REDBUD	STREET TREE	2" CAL., 10'-12' HT.
	28	PINUS PONDEROSA PONDEROSA PINE	SITE TREE	8' HT.
	9	ACER GRISEUM PAPERBARK MAPLE	PARKING LOT TREE	2" CAL., 10'-12' HT.

Shrub and Grass Planting Schedule			
	8	SYMPHORICARPOS ALBUS COMMON SNOWBERRY	5 GAL.
	49	MAHONIA HAEMATOCARPA RED BARBERRY	1 GAL.
	13	EUNYMUS ALATUS 'COMPACTUS' COMPACT BURNING BUSH	5 GAL.
	22	HEUCTOTRICHON SEMPERVIRENS BLUE OAT GRASS	5'-6' HT.

SHADING LEGEND:
(TOTAL SITE AREA: 30,174 sq.ft.)

	PROPOSED LAWN (SOD) (3,520 sq.ft.)
	PROPOSED RIVER ROCK SWALE (875 sq.ft.)
	



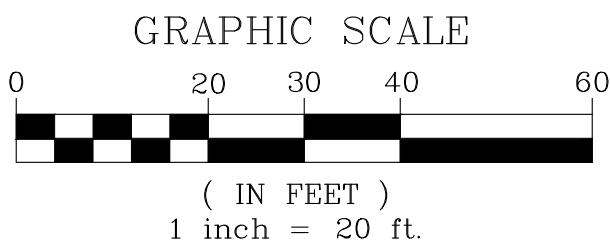
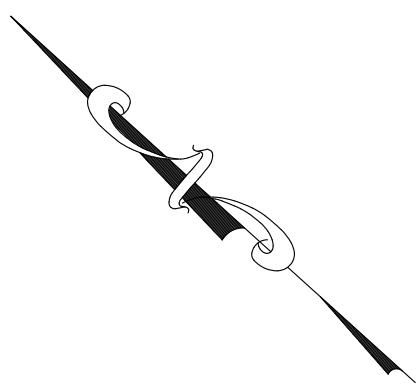
Irrigation Schedule

- 6-ZONE IRRIGATION CONTROL VALVE BOX. VALVE BOX TO BE FED BY DOMESTIC WATER LINE. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR DESIGN BUILD SYSTEM INCLUDING PUMPS, CONTROLS, EXPANSION TANKS, ETC.
- ALL LAWN AREAS SHALL BE ADEQUATELY COVERED BY TURF ROTATOR 4" POP UP HEADS. LOCATIONS SHALL BE APPROVED BY OWNER
- INSTALL DRIP CONTROL KIT FOR COMMERCIAL APPLICATIONS. (typ.)
- INSTALL DOUBLE TREE RING DRIPLINE AT EACH TREE LOCATION, FIRST RING SHALL BE 12" FROM TRUNK, SECOND RING 24" (typ.)

- THIS PLAN IS DIAGRAMMATICAL; ALL PIPING, VALVES, SPRINKLER HEADS ETC. SHALL BE INSTALLED BY LANDSCAPE CONTRACTOR AND FOLLOW THIS PLAN AS CLOSE AS IS PRACTICAL
- ALL MAINLINE IRRIGATION PIPES SHALL BE INSTALLED AT 24" DEPTH WITH LATERALS AT 12" DEPTH.
- CONTRACTOR SHALL MAKE FIELD ADJUSTMENTS AS NEEDED TO OBTAIN FULL COVERAGE AND SHALL SUBSTITUTE PLANT SPECIES IF NECESSARY BASED ON AVAILABILITY.
- ALL ROAD AND SIDEWALK CROSSING SHALL BE INSTALLED IN CLASS 200 PVC SLEEVES AT 24" MIN. DEPTH.

LEGEND:

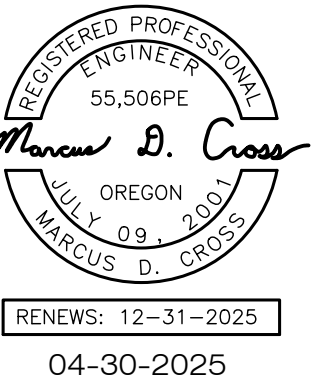
- IRR — IRRIGATION MAINLINE, PVC SCH 40 PIPE 1-1/2" DIA WITH 3/4" DIA LATERALS TO SPRINKLER HEADS
- DRIPLINE — DRIP LINE



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Phone: (541) 851-9405 Fax: (541) 273-9200 admin@rc-grp.com

R-C
RHINE-CROSS
GROUP



Prineville Cluster Housing
PRINEVILLE OREGON

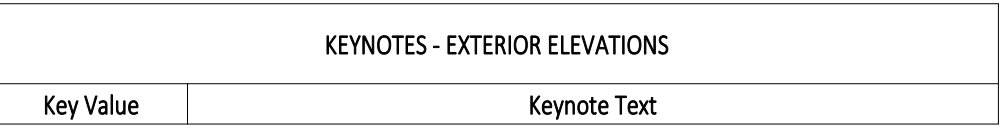
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Preliminary
Landscape Plan

DRAWN BY: TDC
CHKD BY: MDC
DATE: APRIL 2025

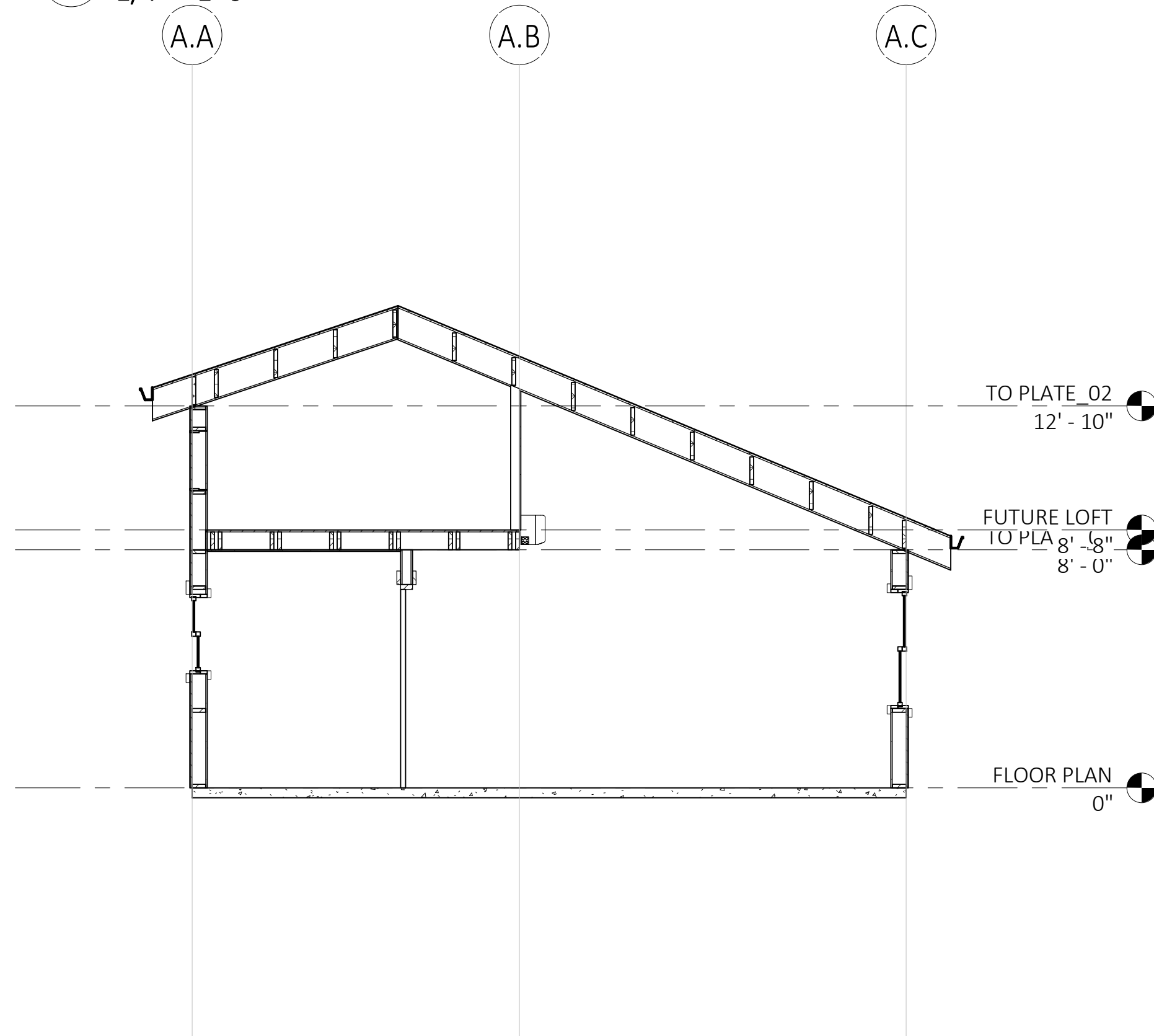
REVISIONS:

JOB NO.
2328
SHEET NO.

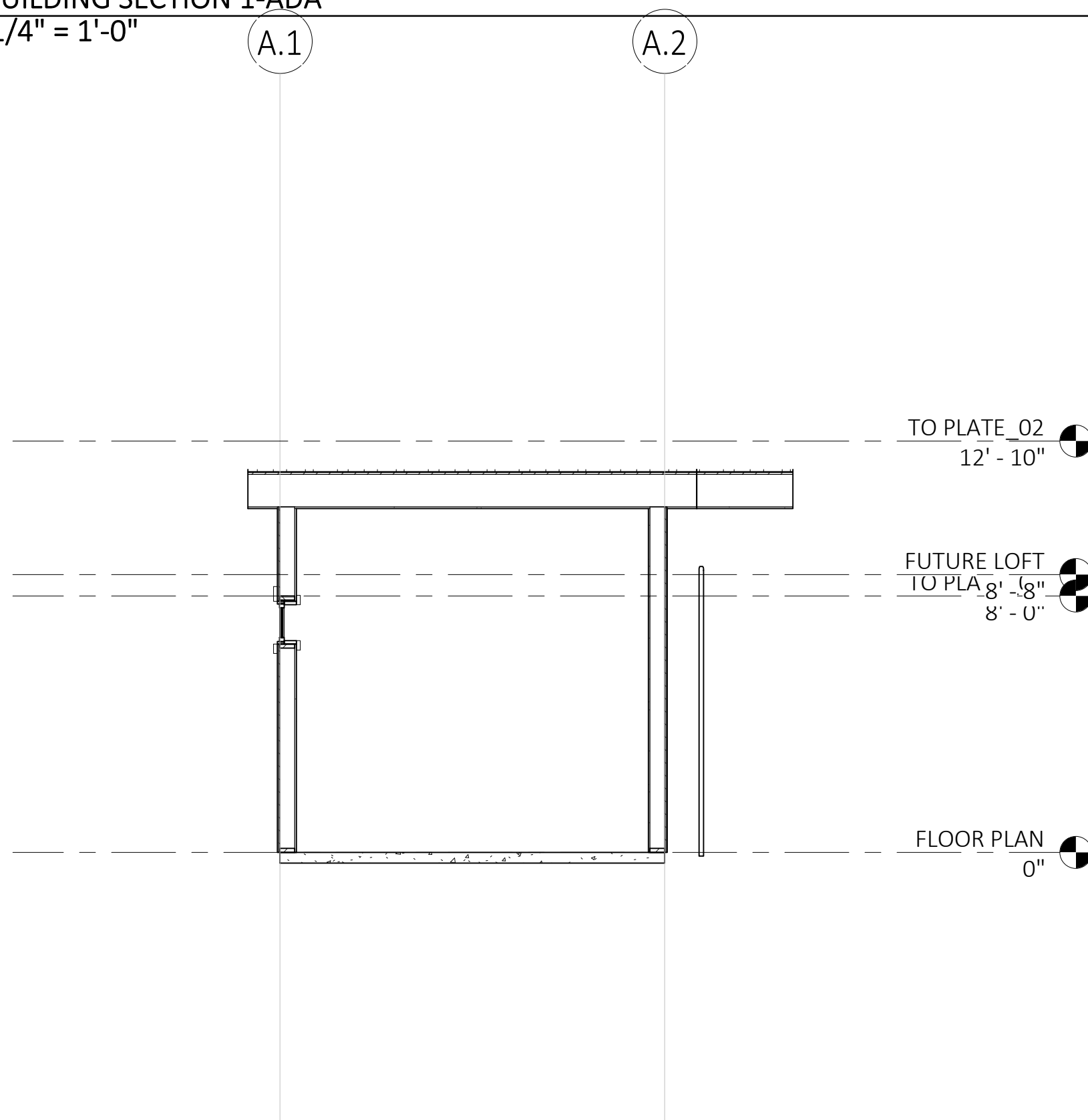
T4



4 ADA - WEST ELEVATION
1/4" = 1'-0"



6 3D VIEW 2



10 BUILDING SECTION 4 - ADA
1/4" = 1'-0"



PROJECT ADDRESS:
996 NW MADRAS HWY
PRINEVILLE OR 97754

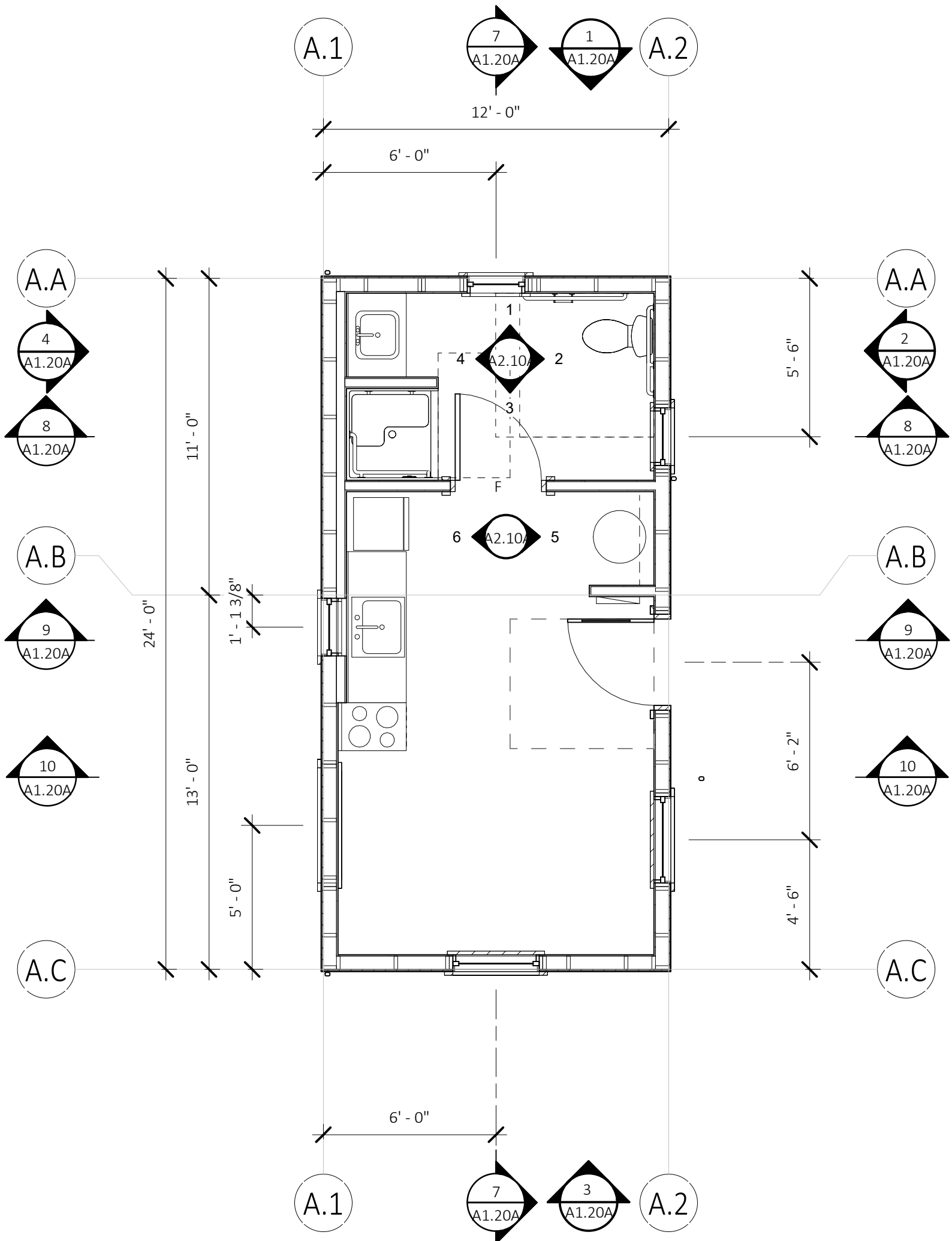
APPROVED FOR	DATE	BY
LANDUSE APPLICATION	04.05.2024	Approver

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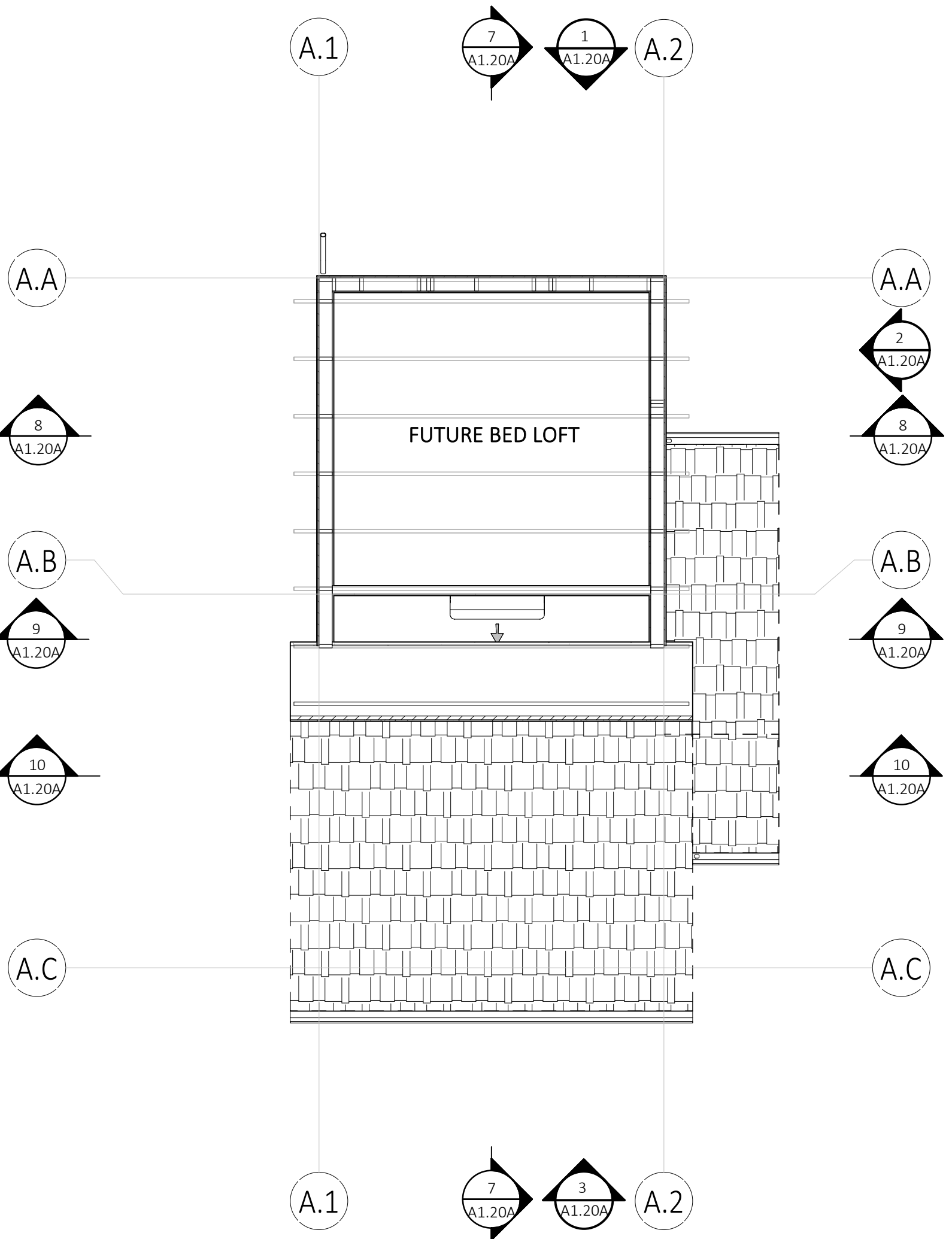
PROJECT NO: 2332.BC
DRAWN BY: MD
CHECKED BY: Checker
© PINNACLE ARCHITECTURE, INC. 2024 ORIGINAL SHEET SIZE: 30"x42"

EXTERIOR ELEVATIONS AND BUILDING SECTIONS

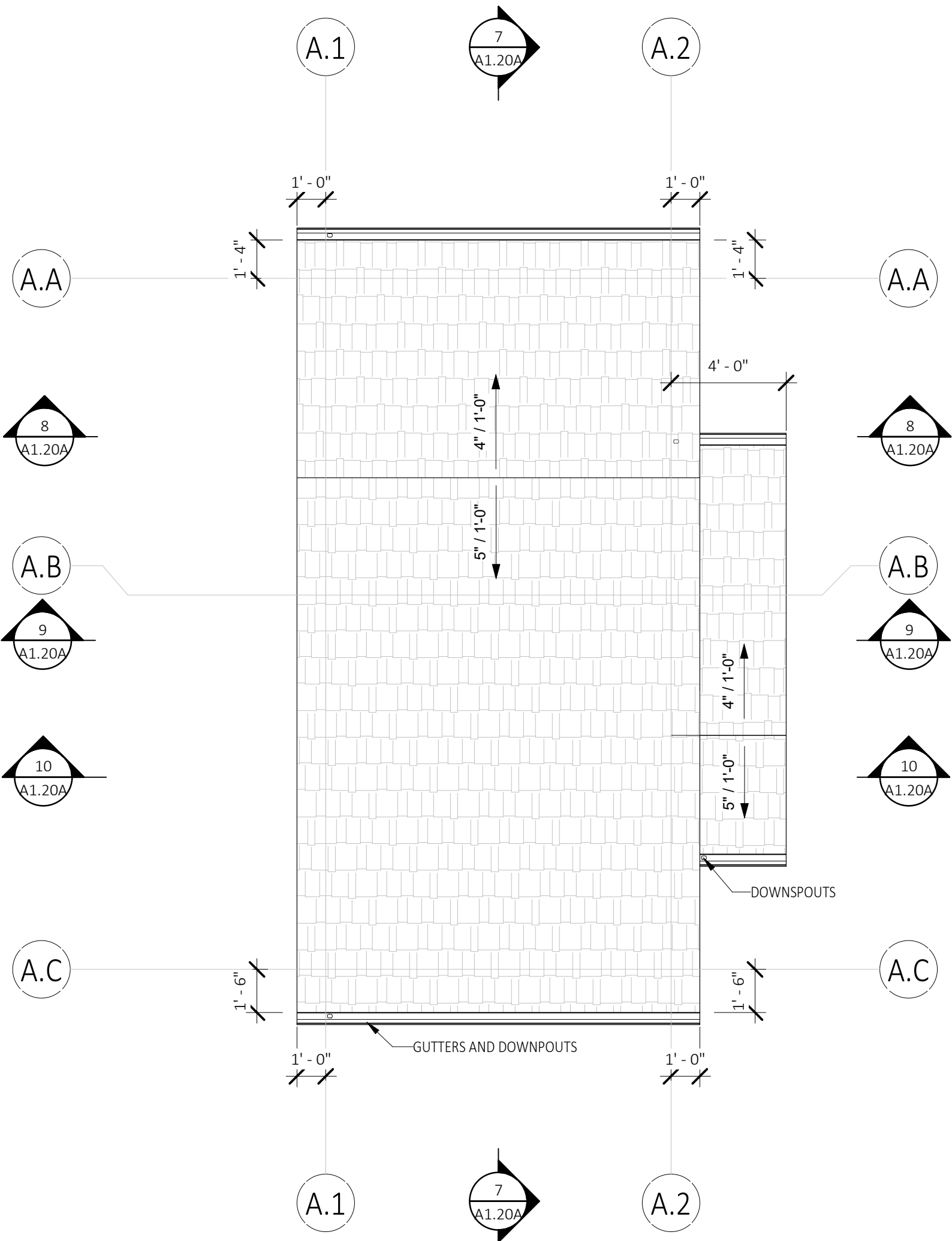
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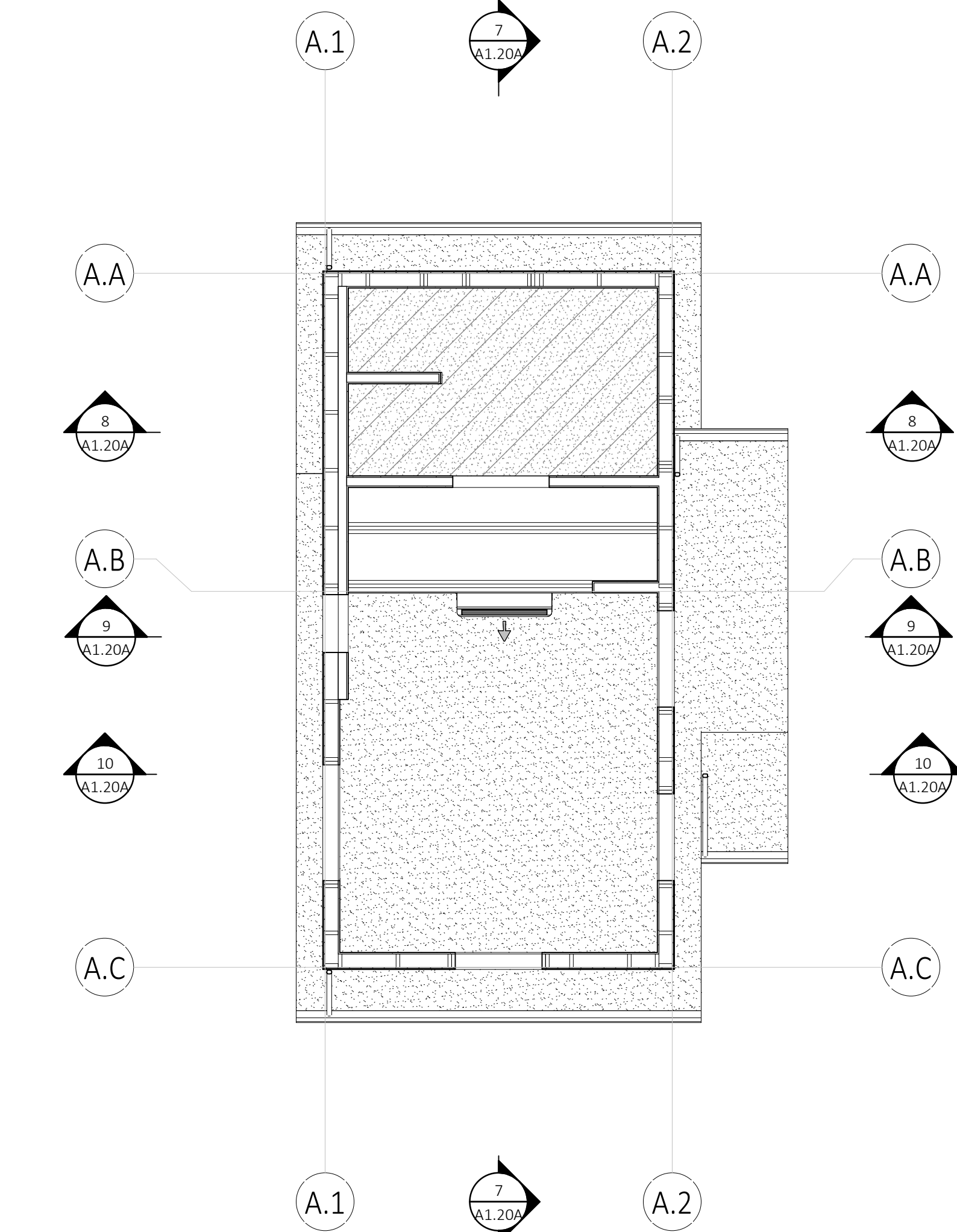
1 FLOOR PLAN - ADA
1/4" = 1'-0"



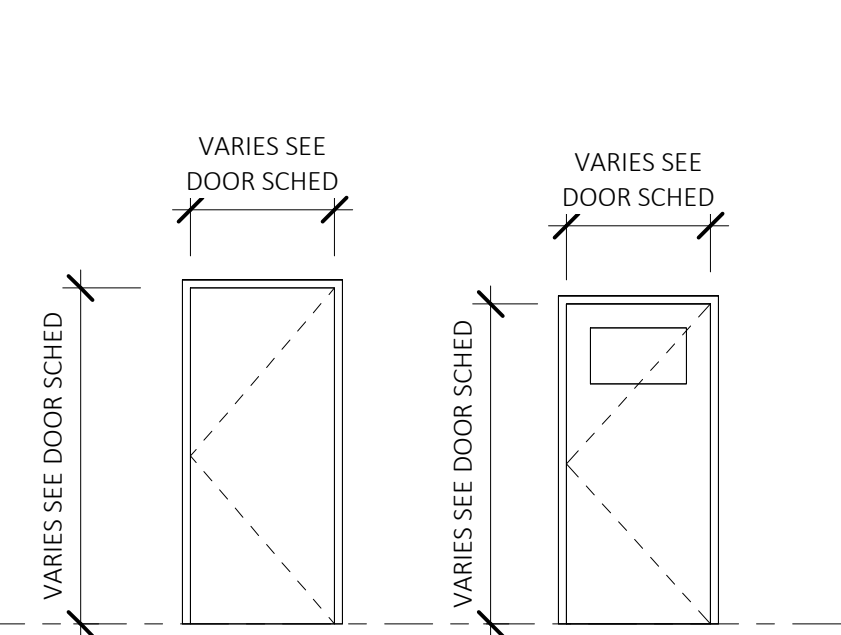
2 FUTURE LOFT
1/4" = 1'-0"



10 ROOF PLAN
1/4" = 1'-0"

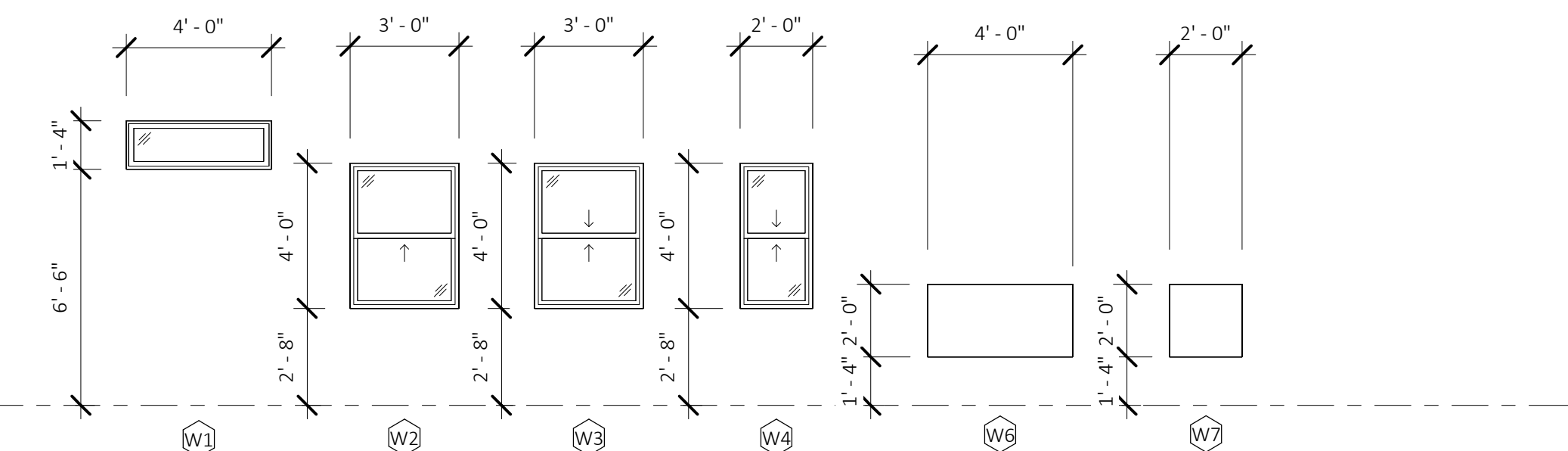


11 REFLECTED CEILING PLAN
1/4" = 1'-0"



5 DOOR SCHED (SINGLE DOORS)
1/4" = 1'-0"

DOOR SCHEDULE - ADA											
MARK	SIZE			DOOR				FRAME		HARDWARE	DESCRIPTION
	WIDTH	HEIGHT	THICK	TYPE	MATERIAL	FINISH	GLAZING	MATERIAL	FINISH		
D1	3'-0"	6'-8"	1 3/8"	FG	EXTERIOR GRADE FIBERGLASS	FACTORY	RELITE	WOOD	PAINT	ENTRY	
D2	3'-0"	6'-8"	1 3/4"	F	HOLLOW FIBERGLASS	FACTORY		WOOD	PAINT	RESTROOM	



6 WINDOW SCHED
1/4" = 1'-0"

WINDOW SCHEDULE											
Type Mark	Height	Width	Head Height (left blank if varies)	Manufacturer	Spec Description	DETAILS			Finish	Trim all four sides	Comments
						Window Head	Window Jamb	Window Sill			
W1	1'-4"	4'-0"	7'-10"								
W2	4'-0"	3'-0"	6'-8"								
W3	4'-0"	3'-0"	6'-8"								
W4	<varies>	2'-0"	<varies>								
W6	2'-0"	4'-0"	3'-4"								
W7	2'-0"	2'-0"	3'-4"								

KEYNOTES - ROOF PLAN	
Key Value	Keynote Text

REFLECTED CEILING PLAN LEGEND

GYP-1 GYPSUM BOARD DIRECT APPLIED TO STRUCTURE

ROOF LEGEND

DS PREFINISHED METAL DOWNSPOUT

EXTERIOR ASSEMBLIES

MARK	6-E1	7/16" FIBER CEMENT LAP SIDING: 4" REVEAL WEATHER RESISTIVE BARRIER PLY WD SHEATHING 2X6 DIMENSIONAL LUMBER ACOUSTIC BATT INSULATION - VAPOR RETARDER 5/8" TYPE 'X' GYPSUM WALLBOARD	FIRE RESISTANCE/ SOURCE:	1 HOUR(S) U326
			STC RATING:	

INTERIOR ASSEMBLIES

MARK	6-01	5/8" TYPE 'X' GYPSUM WALLBOARD 2X4 DIMENSIONAL LUMBER ACOUSTIC BATT INSULATION - 5/8" TYPE 'X' GYPSUM WALLBOARD	FIRE RESISTANCE/ SOURCE:	1 HOUR(S) GA WP 3514
			STC RATING:	35-39

MARK	6-05	5/8" TYPE 'X' GYPSUM WALLBOARD 2X4 DIMENSIONAL LUMBER ACOUSTIC BATT INSULATION	FIRE RESISTANCE/ SOURCE:	1 HOUR(S) GA WP 3660
			STC RATING:	-

MARK	6-11	5/8" TYPE 'X' GYPSUM WALLBOARD 2X6 DIMENSIONAL LUMBER ACOUSTIC BATT INSULATION - 5/8" TYPE 'X' GYPSUM WALLBOARD	FIRE RESISTANCE/ SOURCE:	1 HOUR(S) GA WP 3660
			STC RATING:	-

GENERAL FLOOR/ ROOF PLAN NOTES

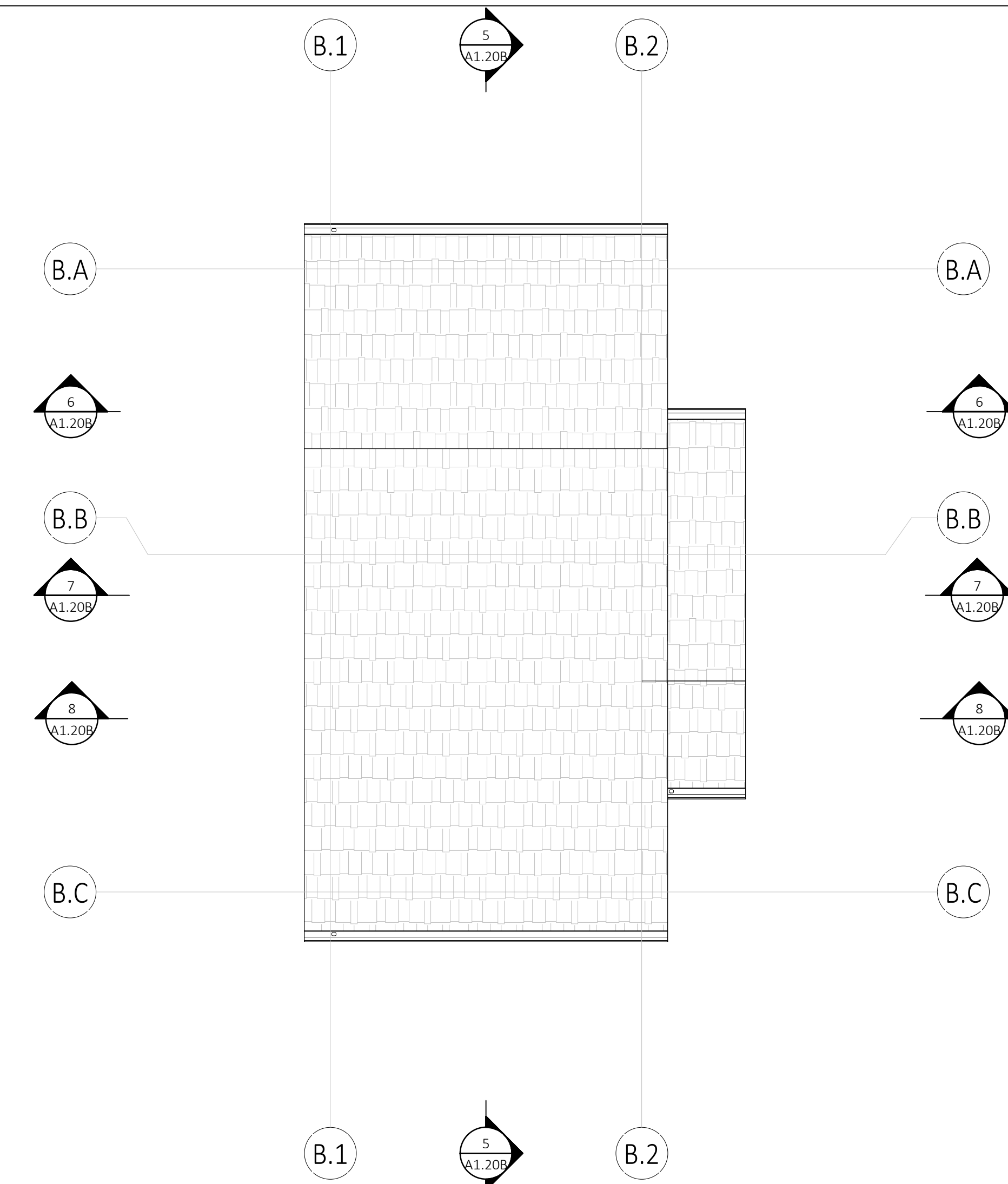
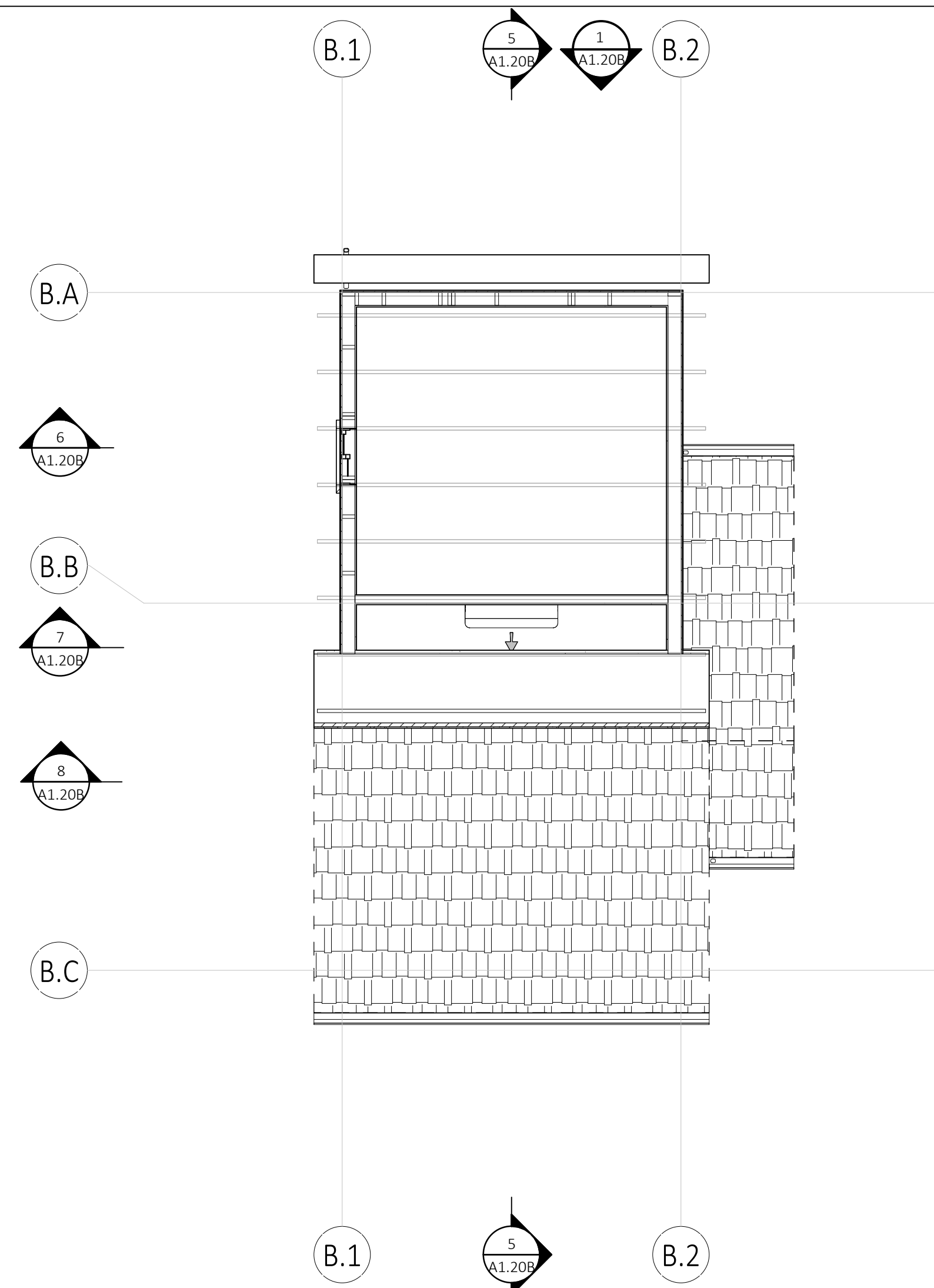
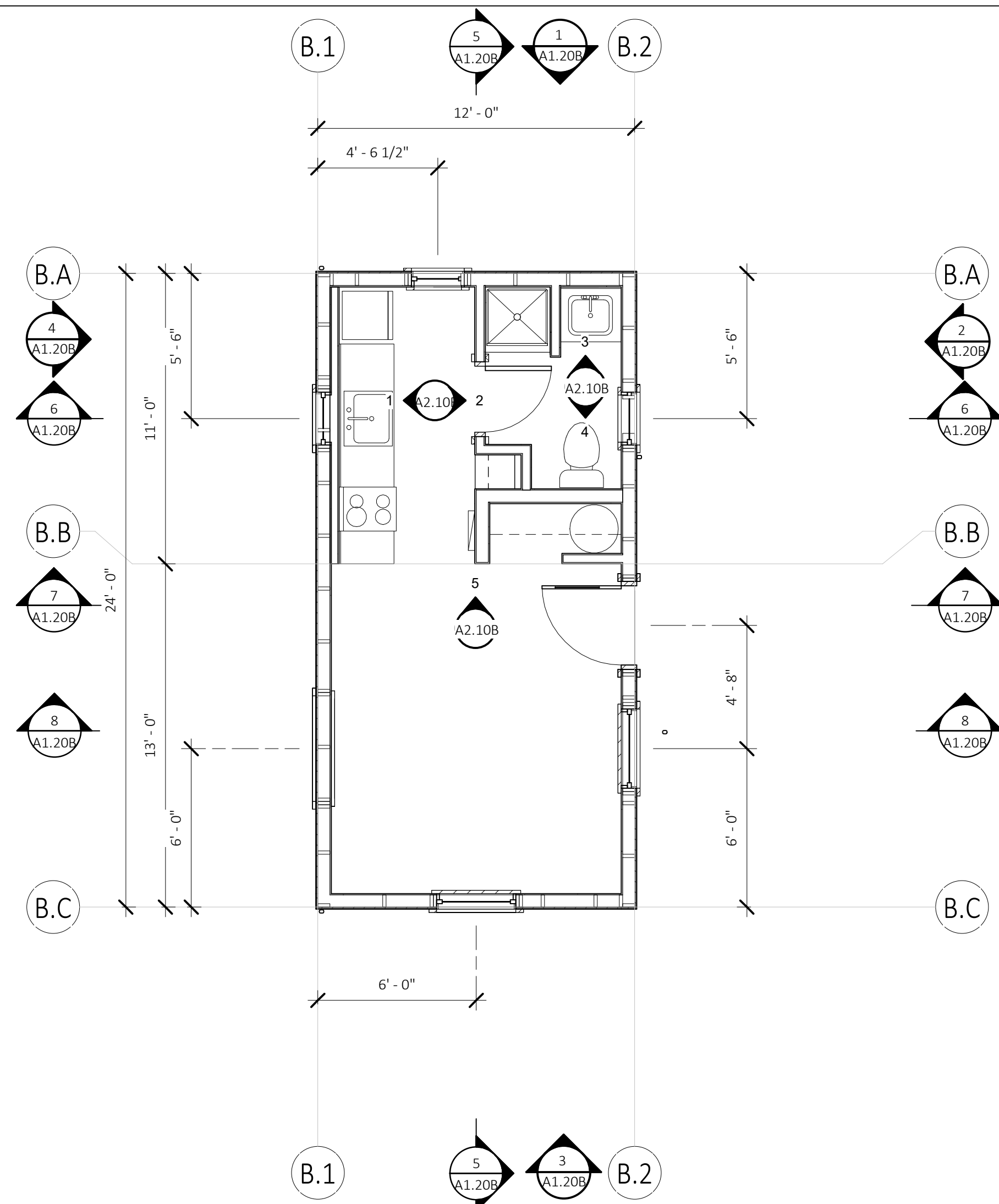
- SEE SHEET A1.10 FOR WALL, FLOOR AND ROOF ASSEMBLIES
- SEE GS.10 FOR MOUNTING HEIGHTS AND ACCESSIBILITY DETAILS
- DOOR AND WINDOW DIMENSIONS ARE TO CENTER OF ROUGH OPENING, UNLESS NOTED OTHERWISE.
- WALL DIMENSIONS ARE TO FACE OF STUD AND/OR FACE OF CMU/CONCRETE, UNLESS NOTED OTHERWISE.
- REFER TO REPLACEMENT SCHEDULE SHEET AXXX FOR ADDITIONAL ITEMS TO BE REMOVED AND REPLACED IN EACH UNIT.
- CONTRACTORS TO FIELD VERIFY EXISTING ROUGH OPENING DIMENSIONS PRIOR TO ORDERING DOORS AND WINDOWS.
- ALL DOORS WITH GLAZING TO HAVE SAFETY GLAZING PER CODE.
- CONTRACTOR SHALL PROVIDE MEANS TO PROTECT THE PUBLIC AND WORKERS DURING THE DEMOLITION PROCESS.
- DOOR AND WINDOW SUPPLIER RESPONSIBLE FOR LOCATING HARDWARE IN ACCESSIBLE UNIT TO BE LESS THAN 48" ABOVE FINISH FLOOR INCLUDING BLIND CONTROLS.
- WINDOW SUPPLIER RESPONSIBLE FOR GLAZING WITHIN 24" OF DOORS TO BE TEMPERED.
- SEE SHEET AA.XX FOR ENLARGED PLANS OF WALKWAYS AND STAIRS.
- RESILIENT CHANNEL TO NOT BE INSTALLED ON WALLS WITH MOUNTED FIXTURES. USE OPPOSITE SIDE.

GENERAL RCP NOTES

- REFER TO ELECTRICAL SHEETS FOR FIXTURES.
- CEILING HEIGHT AT BOTTOM OF STRUCTURE UNLESS NOTED OTHERWISE.

GENERAL ASSEMBLY NOTES

- PARTITION TYPE TAGS ARE NOTED ON THE FLOOR PLANS. TYPICAL INTERIOR WALLS SHALL BE WALL TYPE 6-02-1 WITH WALL CONFIGURATION A1, UNLESS OTHERWISE NOTED ON DRAWINGS.
- REFERENCE G1.10 & G1.11 SERIES DRAWINGS FOR LOCATION AND EXTENT OF RATED PARTITIONS. ANY INCONSISTENCY TO BE REVIEWED BY ARCHITECT FOR CLARIFICATION BEFORE CONSTRUCTION.
- ALL FIRE-RATED ASSEMBLIES ARE BASED UPON IBC, AMERICAN WOOD COUNCIL (AWC), U.L., OR U.S. GYPSUM ASSOCIATION (GA) TEST DATA. FIRE-RATED PARTITIONS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TESTING AGENCIES. REFER TO SPECIFIC TEST REPORTS PROVIDED IN SECTION 09 21 16.1.
- MAINTAIN FIRE RESISTANCE RATING FOR ALL CONSTRUCTION INDICATED AT THROUGH-WALL PENETRATIONS, BUILT-IN WALL FIXTURES, ACCESSORIES, AND BEHIND MAILBOXES, FIRE EXTINGUISHER CABINETS, PLUMBING FIXTURES, ELECTRIC PANELS AND SIMILAR ITEMS, IN COMPLIANCE WITH REQUIREMENTS OF APPLICABLE CODES. COORDINATE CONSTRUCTION OF FIRE-RATED ASSEMBLIES WITH DESIGNATED DESIGN NUMBER.
- ASSEMBLIES FOR FIRE RATED WALLS AND COLUMNS SHALL EXTEND FROM STRUCTURAL FLOOR TO UNDERSIDE OF FLOOR DECK OR ROOF ABOVE, UNLESS SPECIFICALLY NOTED OTHERWISE. ALL OPENINGS AND JOINTS SHALL BE PROTECTED AS REQUIRED BY CODE.
- ACOUSTIC PARTITIONS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF TESTING AGENCIES. REFER TO SPECIFIC TEST REPORTS FOR REQUIRED COMPONENTS AND ASSEMBLY. PROVIDE 07 80.05 ACOUSTIC SEALANT AROUND WALL PERIMETER & OPENINGS AT BASE GYP LAYER. INSTALL STUD RUNNER WITH ACOUSTIC FOAM TAPE WHERE DESIGNATED BY ASSEMBLY.
- COMPLETELY SEAL AROUND PENETRATIONS THROUGH ACOUSTICAL WALLS. FILL DEPTH OF GAPS AROUND CUT-OUTS FOR ELECTRICAL BOXES, PIPES AND PLUMBING, AND OTHER PENETRATIONS. OFFSET PENETRATIONS BY ONE STUD MINIMUM. PROVIDE INSULATION BETWEEN THE CONCEALED FACE OF FINISH MATERIALS (WITHIN THE STUD OR JOIST CAVITY) AND PIPES, PLUMBING, THE BACK OF BOXES, OR OTHER RECESSED FIXTURES.
- ALL OTHER PARTITIONS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFIC MATERIALS MFR AND INDUSTRY STANDARDS.
- RATED WALL CONTINUES THROUGH INTERSECTIONS WITH NON-RATED WALL, TYP
- SEE STRUCTURAL DRAWINGS FOR STUD SPACING.
- COORDINATE WITH STRUCTURAL DRAWINGS FOR REQUIRED SHEARWALL SHEATHING. PROVIDE IN ADDITION TO COMPONENTS INDICATED ON WALL TYPE DETAILS AS REQUIRED.
- WHERE LARGER STUDS OR FURRING ARE REQUIRED TO COVER DUCTS, PIPING, CONDUIT, ETC, THE LARGER STUD SIZE OR FURRING SHALL BE PROVIDED AND SHALL EXTEND THE FULL SURFACE OF THE WALL LENGTH AND HEIGHT WHERE THE FURRING OCCURS.
- PROVIDE ALL NECESSARY ANCHORAGE BLOCKING, BACKING AND FRAMING FOR HANDRAILS, DOOR STOPS, ELECTRO-MAGNETIC HOLD-OPENS, CASEWORK, SHELVING, MIRRORS, WALL MOUNTED EQUIPMENT AND ALL OTHER ITEMS AS REQUIRED FOR COMPLETE INSTALLATION.
- FRAME AND FINISH OPENINGS FOR MECHANICAL AND ELECTRICAL SYSTEMS AS REQUIRED BY MECHANICAL/ELECTRICAL DOCUMENTS.
- AT ALL TOILET ROOMS AND SHOWER ROOMS, SUBSTITUTE FACE LAYER GYP BD WITH (1) LAYER WATER RESISTANT GYP BD.
- FRAME WALL INTERSECTIONS AS A "CALIFORNIA CORNER" OR WITH FLAT BLOCKING TO MAXIMIZE THERMAL AND ACOUSTIC PERFORMANCE.
- SEE SPEC SECTION 07 84.00 FIRESTOPPING FOR FIRE STOPPING AND FIRE JOINT SYSTEM SCHEDULE, CALCULATED PER OSSC.
- WHERE ASSEMBLY TYPE UTILIZES ADDITIONAL LAYERS (GWB, RESILIENT CHANNEL, INSULATION, ETC) BEYOND REFERENCED STANDARD, BUILD ASSEMBLY TO MEET STANDARD PLUS ADDITIONALLY LAYER AS OUTLINED HEREIN.
- COMPLY WITH STRUCTURAL DEPTH AND SPACING, INCREASED DEPTH IS ACCEPTABLE PER GENERAL EXPLANATORY NOTE 15 OF GA FIRE RESISTANCE DESIGN MANUAL.
- PROVIDE FIRE BLOCKING PER CODE.



GENERAL FLOOR/ ROOF PLAN NOTES

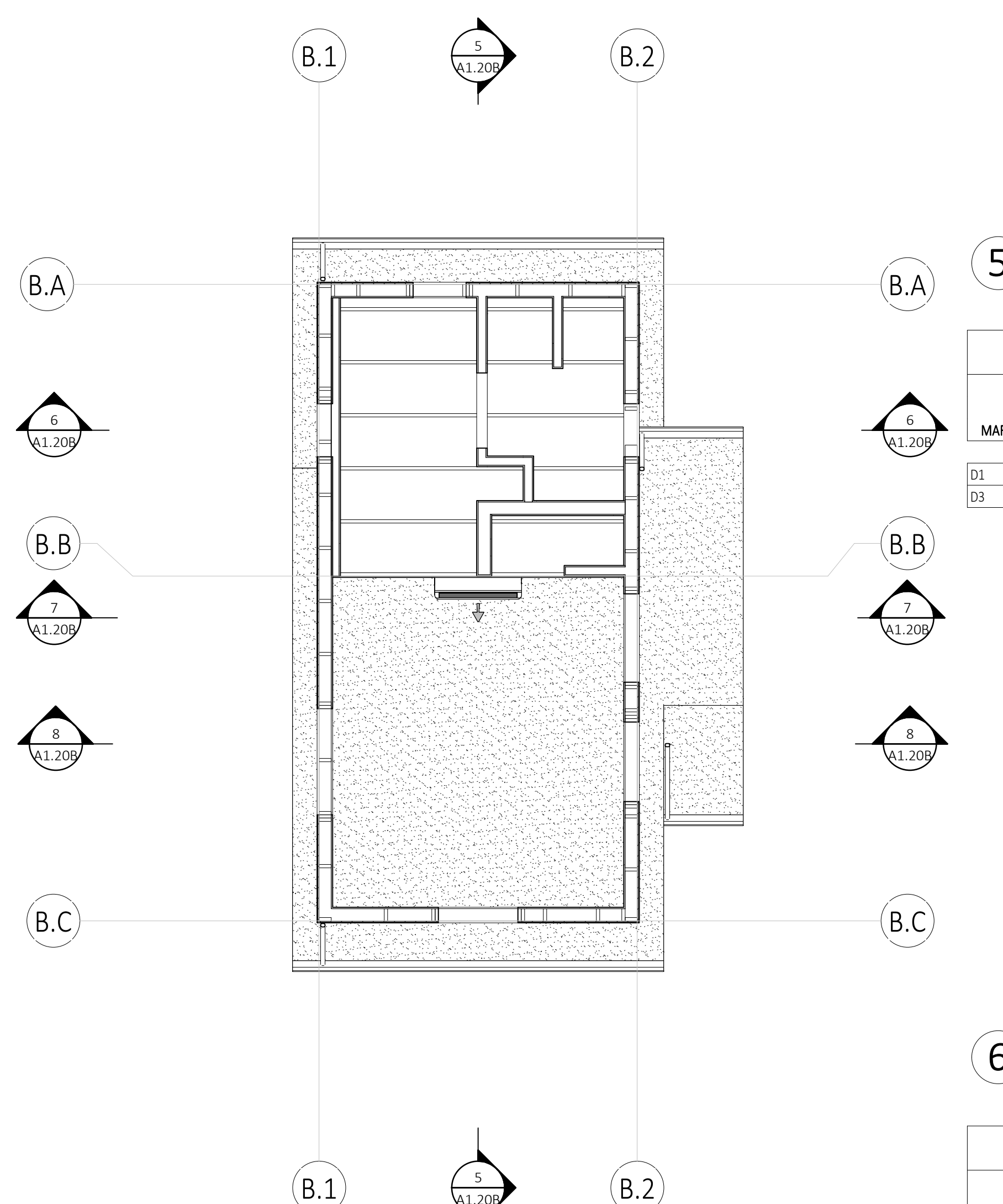
1. SEE SHEET A-1.10 FOR WALL, FLOOR AND ROOF ASSEMBLIES
2. SEE G-6.50 FOR MOUNTING HEIGHTS AND ACCESSIBILITY DETAILS
3. DOOR AND WINDOW DIMENSIONS ARE TO CENTER OF REGISTRATION, UNLESS NOTED OTHERWISE
4. IF ANY DIMENSIONS ARE IN CONFLICT WITH CODES AND/OR MANUFACTURER'S RECOMMENDATIONS, THE LARGEST ONE SHALL GOVERN, UNLESS NOTED OTHERWISE
5. PROVIDE REPLACEMENT SCHEDULE SHEET XXX.XX FOR ADDITIONAL ITEMS TO BE REMOVED AND REPLACED IN EACH UNIT.
6. CONTRACTORS TO FIELD VERIFY EXISTING DOOR OPENING DIMENSIONS PRIOR TO ORDERING DOORS AND WINDOWS.
7. ALL DOORS WITH GLAZING TO HAVE SAFETY GLAZING PER CODE.
8. CONTRACTOR SHALL PROVIDE MEANS TO PROTECT THE PUBLIC AND WORKERS DURING THE DEMOLITION PROCESS.
9. DOOR AND WINDOW SUPPLIER RESPONSIBLE FOR LOCATING HARDWARE IN ACCESSIBLE UNIT TO BE LESS THAN 48" ABOVE FINISH FLOOR INCLUDING BULB AND HANDLE.
10. WINDOW SUPPLIER RESPONSIBLE FOR GLAZING WITHIN 24" OF DOORS TO BE TEMPERED.
11. SEE SHEET A-1.10 FOR BUILDING ELEVATION REQUIREMENTS FOR HANDLES AND CONTROLS.
12. RESILIENT CHANNEL TO NOT BE INSTALLED ON WALLS WITH MOUNTED FIXTURES. USE OPPOSITE SIDE.

GENERAL RCP NOTES

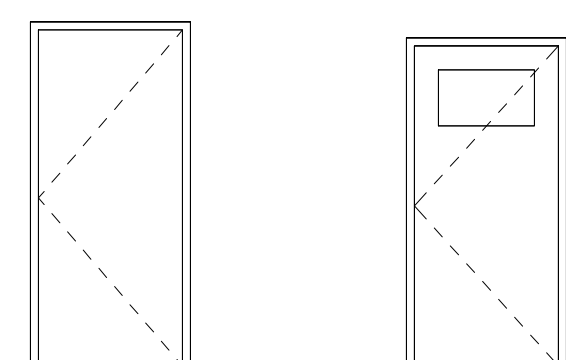
1. REFER TO ELECTRICAL SHEETS FOR FIXTURES.
2. CEILING HEIGHT AT BOTTOM OF STRUCTURE UNLESS NOTED OTHERWISE

GENERAL ASSEMBLY NOTES

1. PARTITION TYPE TAGS ARE NOTED ON THE FLOOR PLANS. TYPICAL INTERIOR WALLS SHALL HAVE TYPE 6-2.03 WITH WALL CONFIGURATION A1, UNLESS OTHERWISE NOTED ON DRAWINGS.
2. REFERENCE FIG. 1.0 & 1.1 SERIES DRAWINGS FOR LOCATION AND EXTENT OF RATED PARTITIONS. ANY INCONSISTENCY TO BE REVIEWED BY ARCHITECT FOR CLARIFICATION BEFORE CONSTRUCTION.
3. ALL CEILING ASSEMBLIES SHALL BE CONSTRUCTED TO MEET AMERICAN WOOD COUPLING (AWC), U.S. OF A. (USPS), ASSOCIATION (GA) TEST TYPE. FIRE RATED PARTITIONS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TESTING AGENCIES. REFER TO SPECIFIC TEST REPORT PROVIDED IN SECTION 9.2.1 16.1.
4. MAINTAIN FIRE RESISTANCE RATING FOR ALL CONSTRUCTION INDICATED AT THROUGH-WALL PENETRATIONS, BUILT-UP JOINTS, ACCESSORIES, AND BEHIND MAILBOXES, FIRE EXTINGUISHER CABINETS, PLUMBING FIXTURES, ELECTRIC PANELS AND SIMILAR ITEMS, IN COMPLIANCE WITH REQUIREMENTS OF APPLICABLE CODES. COORDINATE CONSTRUCTION OF FIRE-RATED ASSEMBLIES WITH DESIGNATED DESIGN NUMBER.
5. PROVIDE FOR FIRE RATED WALLS AND COLUMNS SHALL EXTEND FROM STRUCTURAL FLOOR TO ASSURANCE OF FLOOR DECK OR ROOF ABOVE, UNLESS SPECIFICALLY NOTED OTHERWISE. ALL OPENINGS AND JOINTS SHALL BE PROTECTED AS REQUIRED BY CODE.
6. ACOUSTIC PARTITIONS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF TESTING AGENCIES. REFER TO SPECIFIC TEST REPORTS FOR REQUIRED COMPONENTS AND ASSEMBLY PROPERTIES OF ACOUSTIC PARTITIONS. PROVIDE WALL PATTERN WITH OPENINGS AT BASE ON LAYER. INSTALL STUD RUNNER WITH ACOUSTIC FOAM TAPER WHERE DEFINED BY ASSEMBLY.
7. COMPLETELY SEAL AROUND PENETRATIONS THROUGH ACOUSTICAL WALLS. FILL DEPTH OF GAPS AROUND CUT-OUTS FOR ELECTRICAL BOXES, PIPES AND PLUMBING, AND OTHER PENETRATIONS. OFFSET PENETRATIONS BY ONE STUD SPACING. PROVIDE INSULATION BETWEEN THE CONVEYED GASES OF FINISH MATERIALS (WITHIN THE STUD OR JOIST CAVITY) AND PIPES, PLUMBING, THE BACK OF BOXES, OR OTHER RECESSED FIXTURES.
8. AND ALL OTHER PARTITIONS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SPECIFIC MATERIALS MFG. AND INDUSTRY STANDARDS.
9. RATED WALL CONSTRUCTION THROUGHOUT WITH NON-RATED WALL, TYPE SEE STRUCTURAL DRAWINGS FOR STUD SPACING.
10. COORDINATE WITH STRUCTURAL DRAWINGS FOR PROVIDING SHEARWALL BEHAVIOR. PROVIDE IN ADDITION TO COMPONENTS INDICATED ON WALL TYPE DETAILS AS REQUIRED.
11. PROVIDE FOR STAIR STOPS OR RISERS, PROVIDE INSULATION THROUGH THE CONVEYED GASES, THE LARGER STUD SIZE OR FURNISH SHALL BE PROVIDED AND SHALL EXTEND THE FULL SURFACE OF THE WALL LENGTH AND HEIGHT WHERE THE FURNISH OCCURS.
12. PROVIDE ALL NECESSARY ANCHORING BRACKET, BACKING AND FRAMING FOR HANDRAILS, DOOR CLOSERS, ELECTRO-MAGNETIC LOCKS, MIRRORS, TELEVISIONS, MIRRORS, WALL MOUNTED EQUIPMENT AND ALL OTHER OPENINGS AS REQUIRED FOR COMPLETE INSTALLATION.
13. FRAME AND FINISH OPENINGS FOR MECHANICAL AND ELECTRICAL SYSTEMS AS REQUIRED BY MECHANICAL/ELECTRICAL DOCUMENTS.
14. AT ALL TOILET ROOMS AND SHOWER ROOMS, SUBSTITUTION FACE LAYER GP BY DTH (1) LAYER WATER RESISTANT GP BY D.
15. FRAME WALL INTERSECTIONS AS A "CALIFORNIA CORNER" OR PER WALL DETAIL TO MAXIMIZE THERMAL AND ACoustIC PERFORMANCE.
16. SEE SPEC SECTION 07-40.00 FIRE STOPPING FOR FIRE STOPPING AND FIRE JOINT SYSTEM SCHEDULE.
17. PROVIDE FIRE STOPPING PER DETAIL.
18. WHERE ASSEMBLY TYPE UTILIZES ADDITIONAL LAYERS (GWB, RESILIENT CHANNEL, INSULATION, ETC) BEYOND REFERENCED STANDARD, BUILD ASSEMBLY TO MEET STANDARD PLUS ADDITIONAL LAYER AS OUTLINED HEREIN.
19. COMPLY WITH STRUCTURAL DEPTH OF SPACING, INCREASED DEPTH IS ACCEPTABLE PER GENERAL EXPLANATION NOTE 3.5 OF GA FIRE RESISTANCE DESIGN MANUAL.
20. PROVIDE FIRE BLOCKING PER CODE.

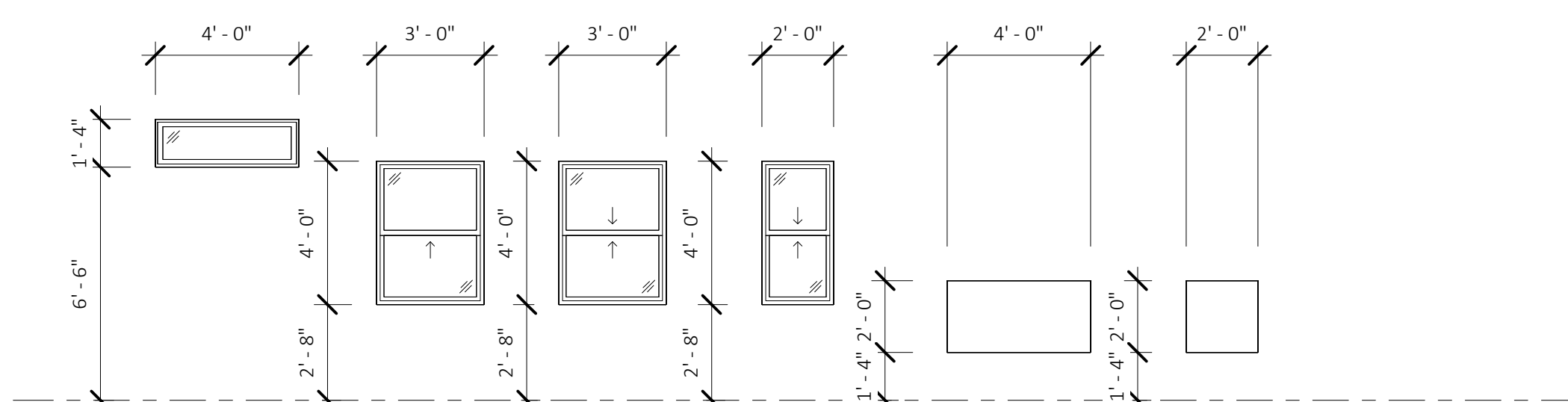


KEYNOTES - ROOF PLAN	
Key Value	Keynote Text



5 DOOR SCHED (SINGLE DOORS) Copy 1
1/4" = 1'-0"

DOOR SCHEDULE												
MARK	SIZE			TYPE	MATERIAL	FINISH	GLAZING	FRAME		HARDWARE	DESCRIPTION	
	WIDTH	HEIGHT	THICK					MATERIAL	FINISH			
D1	3'-0"	6'-8"	1 3/8"	FG	EXTERIOR GRADE FIBERGLASS	FACTORY	RELITE	WOOD	PAINT	ENTRY		
D3	2'-6"	6'-8"	1 3/4"	F	HOLLOW FIBERGLASS	FACTORY		WOOD	PAINT	R*STROOM		



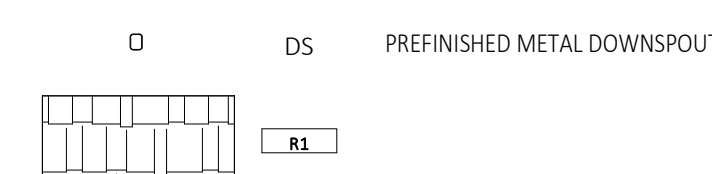
6 WINDOW SCHED Copy 1
1/4" = 1'-0"

WINDOW SCHEDULE											
Type Mark	Height	Width	Head Height (left blank if varies)	Manufacturer	Spec Description	DETAILS			Finish	Trim all four sides	Comments
						Window Head	Window Jamb	Window Sill			
W1	1'- 4"	4'- 0"	7'- 10"								
W2	4'- 0"	3'- 0"	6'- 8"								
W3	4'- 0"	3'- 0"	6'- 8"								
W4	<varies>	2'- 0"	<varies>								
W6	2'- 0"	4'- 0"	3'- 4"								
W7	2'- 0"	2'- 0"	3'- 4"								

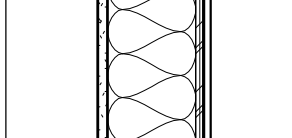
REFLECTED CEILING PLAN LEGEND



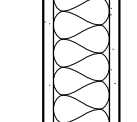
ROOF LEGEND

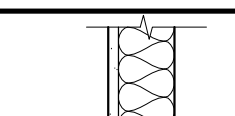


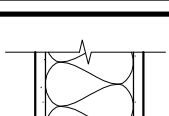
EXTERIOR ASSEMBLIES

	7/16" FIBER CEMENT LAP SIDING: 4" REVEAL WEATHER RESISTIVE BARRIER PLY WD SHEATHING - 2X6 DIMENSIONAL LUMBER ACOUSTIC BATT INSULATION - VAPOR RETARDER 5/8" TYPE "X" GYPSUM WALLBOARD	
MARX	FIRE RESISTANCE/	1 HOUR(S)
6-E1	SOURCE:	U326
	STC RATING:	

INTERIOR ASSEMBLIES

	5/8" TYPE "X" GYPSUM WALLBOARD 2X4 DIMENSIONAL LUMBER ACOUSTIC BATT INSULATION 5/8" TYPE "X" GYPSUM WALLBOARD
	FIRE RESISTANCE/ SOURCE: 1 HOUR(S) GA WP 3514 STC RATING: 35-39

			
		5/8" TYPE "X" GYPSUM WALLBOARD - 2X4 DIMENSIONAL LUMBER ACOUSTIC BATT INSULATION	
MARK		FIRE RESISTANCE/	
6-05		SOURCE:	
		STC RATING:	

			STC RATING:
		5/8" TYPE 'X' GYPSUM WALLBOARD 2X6 DIMENSIONAL LUMBER ACOUSTIC BATT INSULATION 5/8" TYPE 'X' GYPSUM WALLBOARD	
MARK		FIRE RESISTANCE/	1 HOUR(S)
6-11		SOURCE:	GA WP 3660
		STC RATING:	

	EXTERIOR ASPHALT SHINGLES ROOFING MEMBRANE WOOD SHEATHING PER STRUCTURAL 2X RAFTERS CAVITY FILL INSULATION VAPOR RETARDER 5/8" TYPE "X" GYPSUM DIRECT APPLIED TO RAFTER	
MARK	INTERIOR FIRE RESISTANCE/ SOURCE: STC RATING:	
R1		

			CONCRETE SLAB PER STRUCTURAL VAPOR RETARDER GRANULAR FILL - PER GEO TECH
			
MARK	ASSEMBLY DESCRIPTION:	FIRE RESISTANCE RATING/ SOURCE:	
E2	CONCRETE SLAB ON GRADE	STC 110; RATING/SOURCE: FIRMA	

	STC / IIC RATINGS SOURCE: WOOD FLOOR SHEATHING PER STRUCTURAL (3/4" MIN) FRAMING PER STRUCTURAL 1/2" MIN MINERAL WOOL INSULATION - SUPPORTED BY RESILIENT CHANNEL RC CHANNEL 5/8" TYPE 'C' GYPSUM WALL BOARD
MARK ASSEMBLY DESCRIPTION: F1 TYPICAL UNIT ASSEMBLY	FIRE RESISTANCE RATING: 1 HOUR(S) SOURCE: WJ-1.2 STC / IIC RATINGS SOURCE: 60 STC / 50 IIC (ESTIMATE)

APPROVED FOR	DATE	BY
LANDUSE APPLICATION	04.05.2024	Approved

	DESCRIPTION	DATE
1		
2		
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PROJECT NO: 2332.BCC
DRAWN BY: MD
CHECKED BY: Checker
© PINNACLE ARCHITECTURE, INC. 2024 ORIGINAL SHEET SIZE: 30"x42"

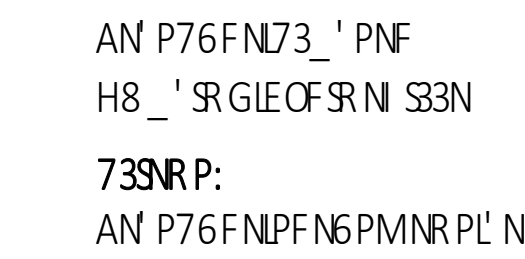
FLOOR PLAN, RCP AND ROOF
PLAN

A1.10B



pinnacle
architecture, inc.

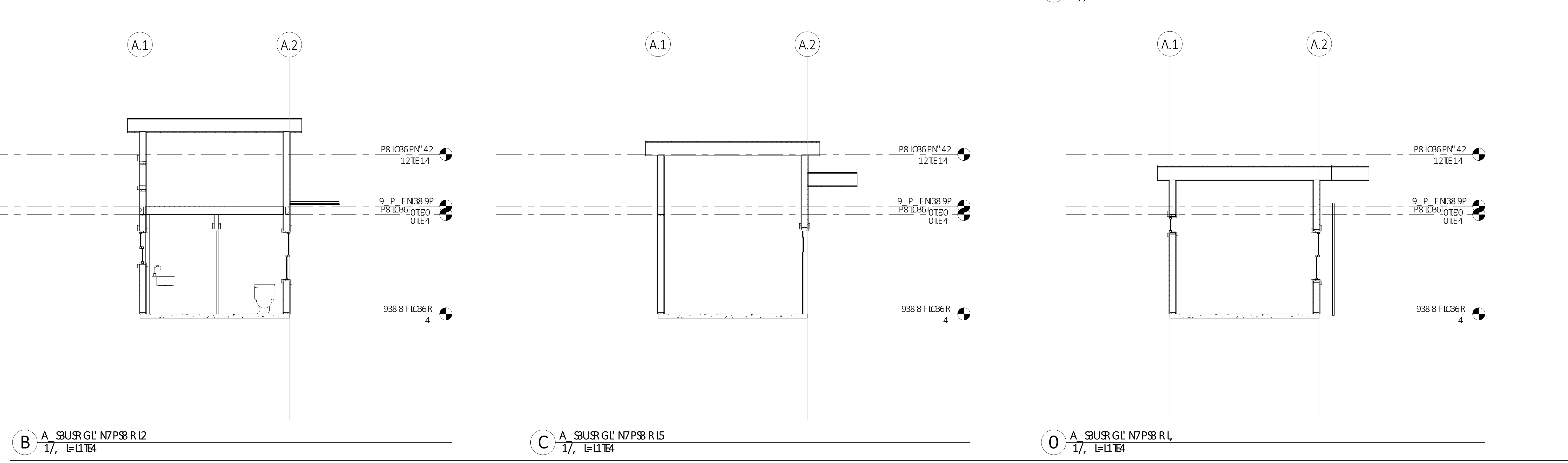
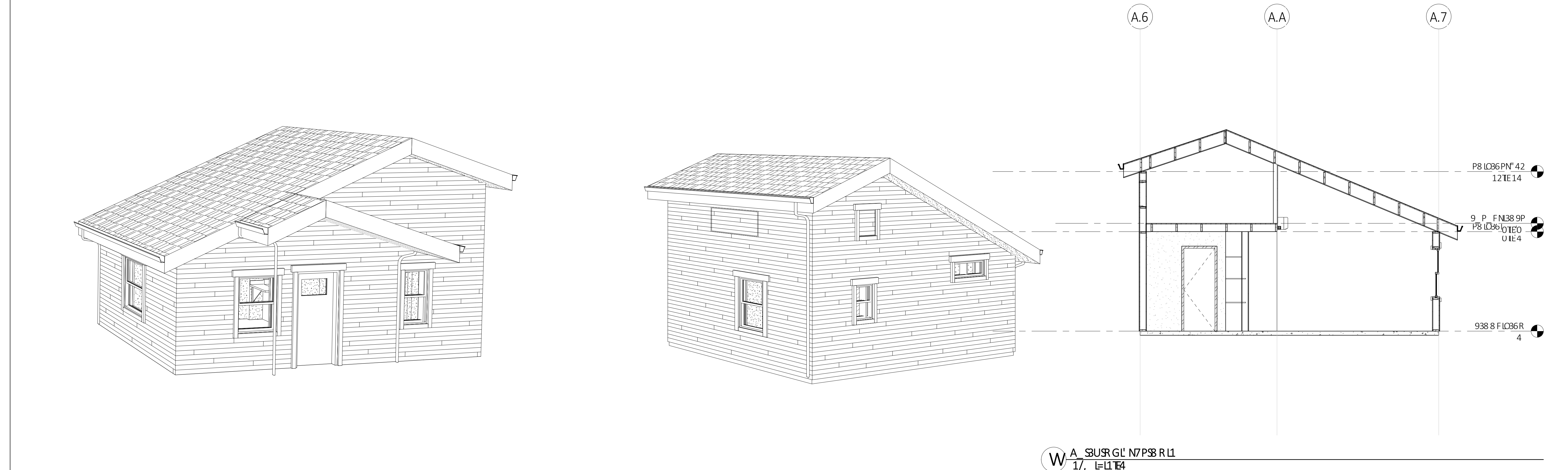
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UN 7F5036 R U6PN

NXPNS FINBN 6P8 R' 16RU
 A_SURGL' N7P8 R'

J5/242, L. V.44(DM)



FOR OFFICE USE ONLY

Application #: PA-2024-100

Date Received: 2-27-2024

**City of Prineville
Pre-Application**



Most Pre-Development review responses take about two weeks. Monday at 5:00 p.m. is the cut-off for City staff to take in any pre-development requests for the **following** week's Thursday meetings at 8:30 am in City Hall. Your presence at the meeting is your choice; however please indicate whether or not you will attend. All responses are based upon information you provide.

Applicant Name: Mark Rossi Mailing Address: 1001 SW Disk Dr, Suite 105 City: Bend

Zip: 97702 Phone: (541) 388-9897 X14 Property Owner? Yes / No No

Describe Project 6 Unit of Cluster Housing(Multi-family Housing) with surface parking,
and a Trash enclosure.

Property Address: 996 NW Madras Highway

Township: 14S Range: 16E Section: 31CB Tax Lot(s): 11372

Subdivision and Lot #(s): 11372 Zone: C2

Present Use: ☒ Commercial ☐ Industrial ☐ Residential ☐ Vacant ☐ Other (Describe)

The following information should be provided to more accurately review your request:

☒ I will be attending the pre-app meeting.

☒ Vicinity Map: Tax lot map is acceptable; two streets and north arrow must be provided.

☒ Site Plan: Drawn to scale, show the following:

☐ All existing and proposed access, buildings, parking landscaping and utilities (power poles, sewer, water, fire hydrants, etc.)

☐ Lot Lines: Showing existing lot boundaries, and proposed lot lines for land divisions. Must include lot sizes, both existing and proposed for land divisions. Also include existing curbs and sidewalks.

☐ Building: Include building dimensions, coverage and building materials to be used.

☐ Please list any specific questions that you would like answered at the pre-app meeting:

1. _____

2. _____

3. _____

4. _____

☐ Additional information may be required by the Planning Department depending on the information provided and the specific request, in order to provide a full written response.

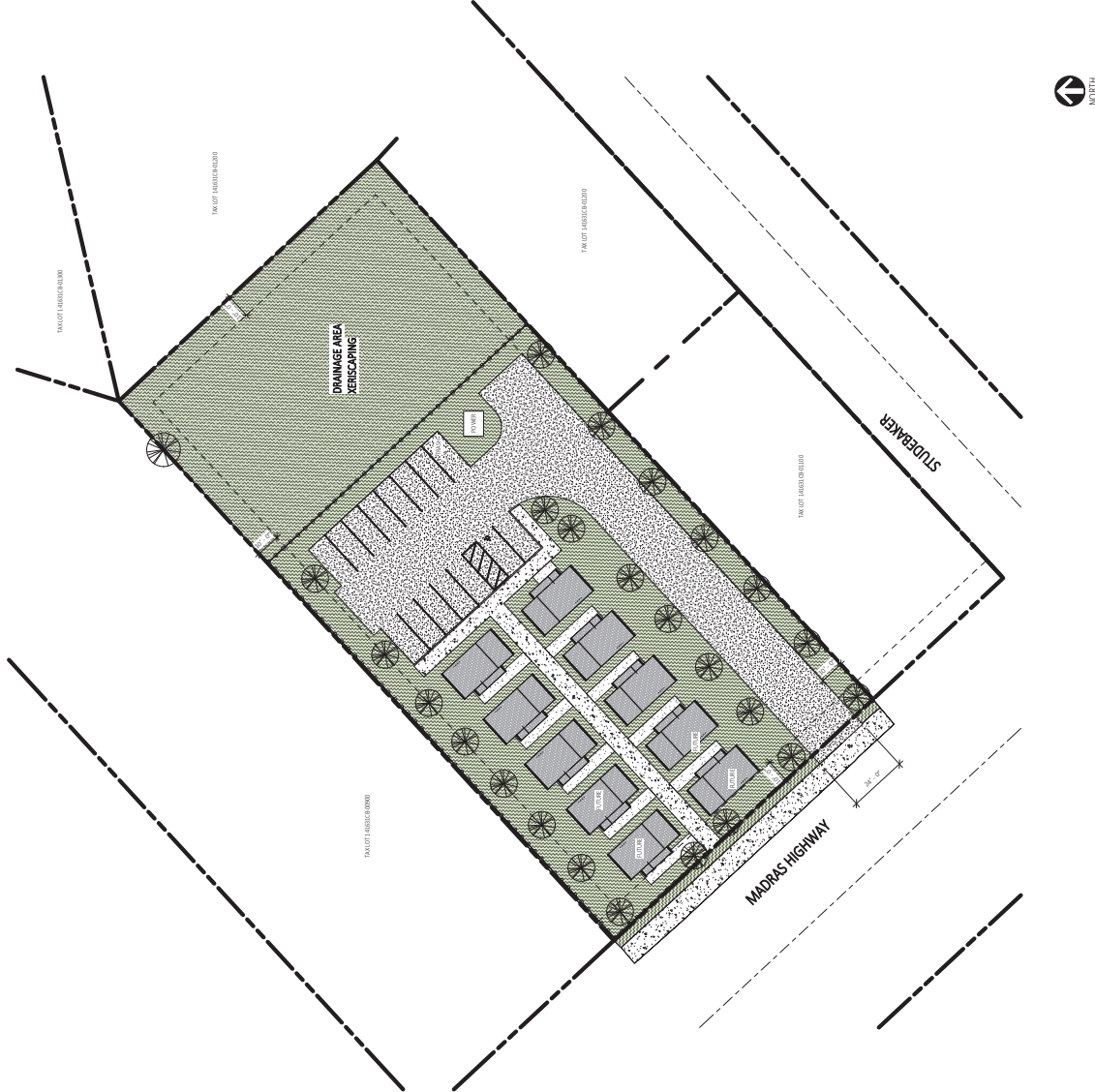
If you wish, you can schedule a meeting with a Planning Department staff member to discuss specific predevelopment application requirements. Call (541) 447-2367 to set up a meeting. Please note that all predevelopment review responses are preliminary and non-binding. The actual review process is more comprehensive and could be subject to change based on current Code standards and the actual application(s) submitted.

Pre-Application

Page 1 of 1

PROPERTY INFORMATION:

ZONE C-2 REQUIRES A CONDITIONAL USE WITH HEARING
 SETBACKS ALL 10'
 PARKING REQUIRES 1.5 PER UNIT FOR FIRST 8 THEN 1.25 PER UNIT AND
 2 EXTRA STALLS - 14 TOTAL FOR 10 TOTAL DWELLING UNITS
 MAIN UTILITIES ARE ADJACENT TO SITE
 NORTH PORTION OF SITE IS SUBJECT TO 0.2% FLOOD PLAN
 UNIT SIZE: 288 S.F. EACH
 TOTAL OF 6 DWELLING UNITS: 1,728 TOTAL S.F.



1 SITE PLAN (PRESENTATION)
 1" = 20'-0"

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

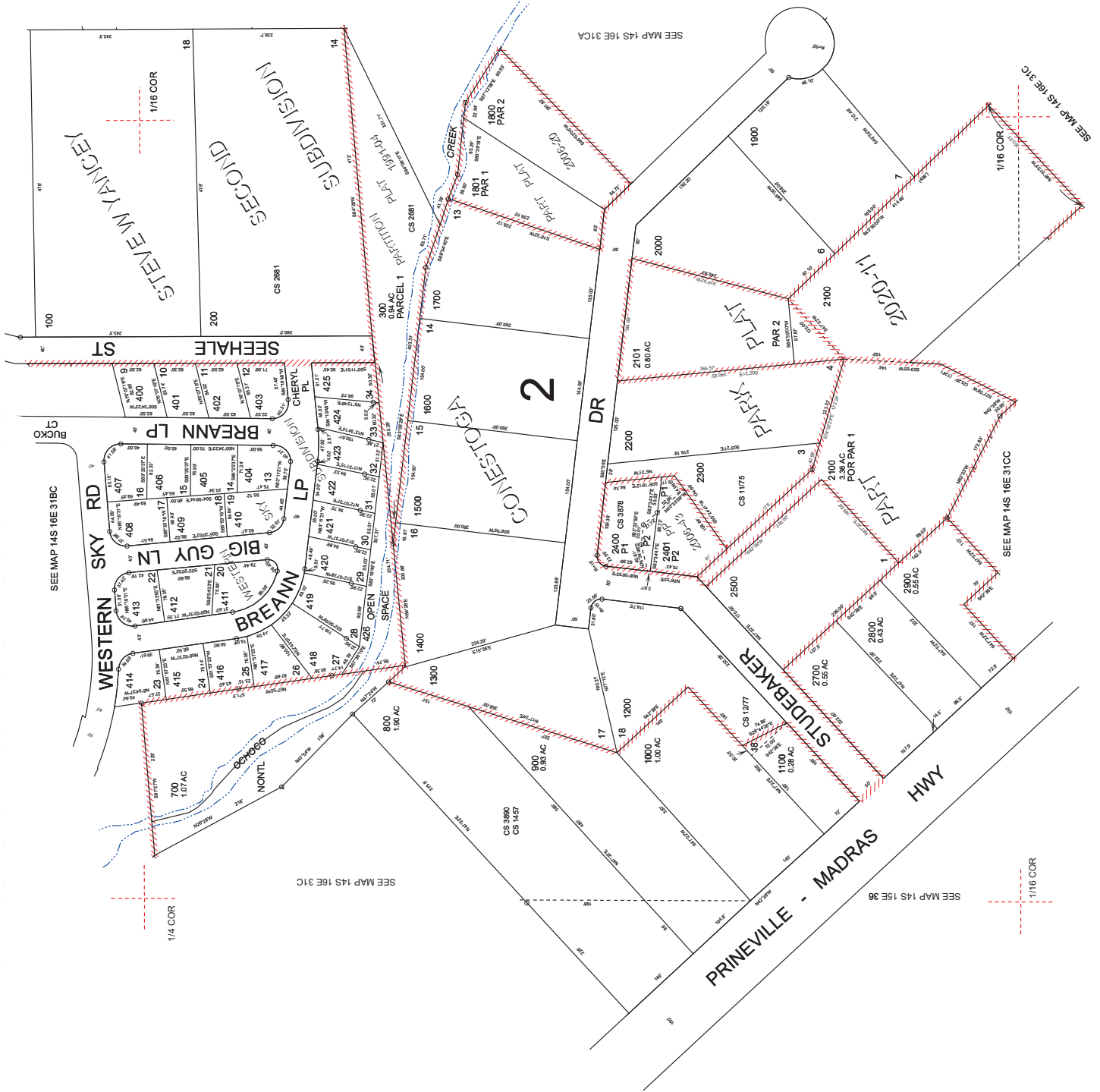


N.W. 1/4 S.W. 1/4 SEC. 31 T.14S. R.16E. W.M.
CROOK COUNTY

1" = 100'

14S16E31CB
PRINEVILLE

Cancelled
500
600
2600



PROPERTY INFORMATION:

ZONE C-2 REQUIRES A CONDITIONAL USE WITH HEARING

SETBACKS ALL 10'

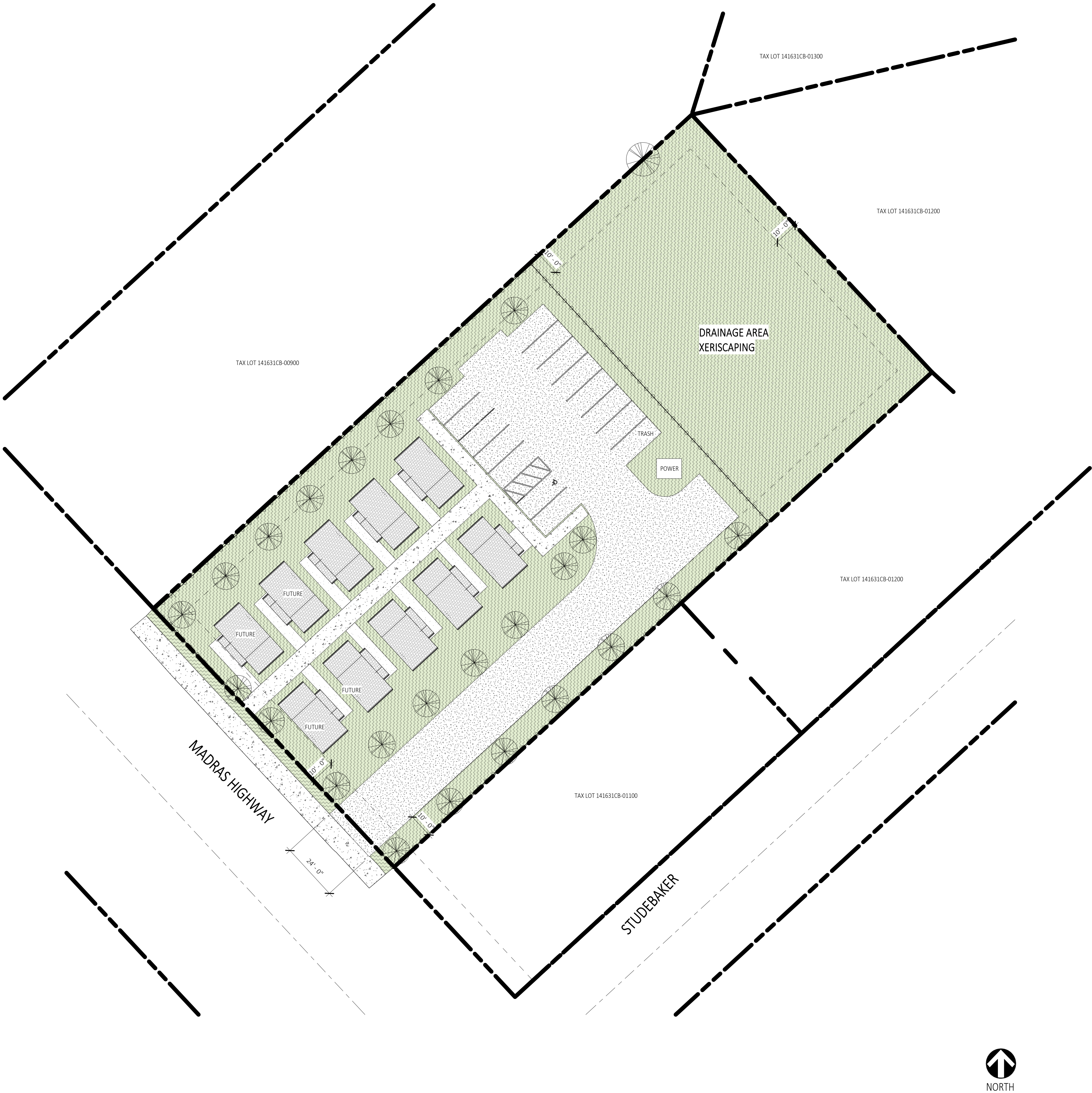
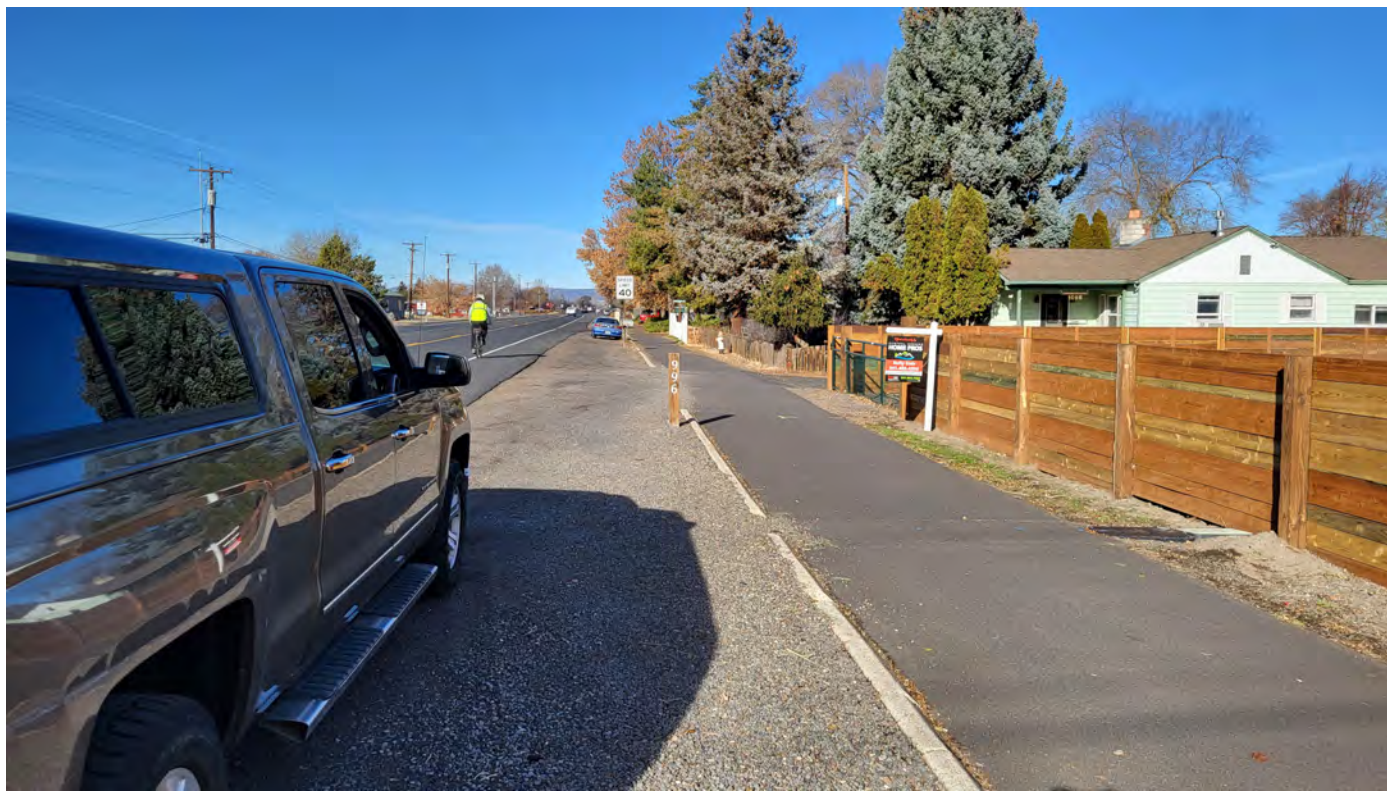
PARKING REQUIRES 1.5 PER UNIT FOR FIRST 8 THEN 1.25 PER UNIT AND 2 EXTRA STALLS -- 14 TOTAL FOR 10 TOTAL DWELLING UNITS

MAIN UTILITIES ARE ADJACENT TO SITE

NORTH PORTION OF SITE IS SUBJECT TO 0.2% FLOOD PLAN

UNIT SIZE: 288 S.F. EACH

TOTAL OF 6 DWELLING UNITS: 1,728 TOTAL S.F.



1 SITE PLAN (PRESENTATION)
1" = 20'-0"



PRINEVILLE 6 PLEX
996 NW MADRAS HWY

SITE PRESENTATION



CONCEPTUAL

02/27/2024

P#.01



City of Prineville

387 NE THIRD STREET ♦ PRINEVILLE, OREGON 97754

COMMUNITY DEVELOPMENT

Phone: (541)447-2367

FAX: (541) 447-5628

EMAIL: jsmith@cityofprineville.com

Web Site: www.cityofprineville.com

To: Mark Rossi

March 14th, 2024

RE: PA-2024-100 Pre-Application for 10-unit multifamily complex for Best Care.

Thank you for giving us the opportunity to comment on your development proposal. Below are some comments about the proposal and a summary of our discussion held at 8:30 A.M. March 14th, at City hall.

Land-Use: The zoning of the property is C2 General Commercial. Residential use in a commercial zone is reviewable as a Type II conditional use, through a public hearing process. It is possible that the application may be denied simply because of the zoning. Dimensional standards for residential in a commercial zone default to the R2 zone. Once an application is deemed complete a 20-day notice is sent to neighboring properties within 100ft. of the property boundary. A hearing is scheduled for the next available meeting, typically on the 3rd Tuesday of the month. The following are code sections to specifically address in your burden of proof or on the site plan: 153.009, 153.014, 153.036, 153.037, 153.051, 153.083(H) & (T), 153.085 – 087, 153.090, 153.135 -138. In addition to these sections, it would be helpful to provide a clear business model that articulates the purpose, management, use and potential screening process for residence. This along with fencing and screening will likely be the primary topic of the hearing. This is typical for most multi-family projects. It also doesn't hurt to discuss the project with the immediate neighbors, as you may be able to eliminate any concerns prior to the hearing.

Building: Elevations, size and layout of the structures should be provided. These units are assumed to be site built and rented more than 30-days at a time. If the units are manufactured homes that would change the criteria to a manufactured home park. If the units are more transitional (less than 30-days) that could change the criteria to a motel and will trigger transient room tax.

Floodplain: The rear of the property is within the 100-year floodplain. Based on the proposal, all structures will be outside this area. You or any lenders you may want to conduct a flood survey to determine this.

Water & Sewer: There are existing water and sewer connections. Size of services will need to be confirmed. Water is believed to be a 1" service with a ¾" meter and sewer is believed to be a 6" connection to the main line in Studebaker Drive.

Fire: Fire Marshal will require separate sign-off on plans prior to submitting for building permits. Additional fire hydrants may be needed at the beginning of the access road and at the end. Proper turnaround and radius will be needed on the access road.

Vehicle and Pedestrian Access and Frontage: Hwy access and frontage are under ODOT jurisdiction. You should reach out them early to determine point of access and any potential frontage improvements. Sidewalks are not likely needed with the current off-street path, but curb and drainage similar to what is in front of the Best Care facility may be required. There are also no pedestrian crossings on the Hwy, which is becoming a larger issue as the City grows.

System Development Charges: Water and sewer SDCs are based on the size and number of water meters. Traffic SDCs will be charged for each dwelling based on a multifamily rate in the 11th edition of the ITE. City fees will change beginning July 1, 2024. SDC and connection fees will be based on the fees at the time the land use application is made. Those fees will be honored for 1-year after approval. Credits will be provided for existing service connections. Attached is a breakdown of the City's SDCs and connection fees as of today.

Thank you,

Joshua Smith
Planning Director