



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

FINAL CITY COUNCIL FINDINGS

APPLICATION DATE: May 6, 2025

PC HEARING DATE: June 17, 2025 (Denied)

CC APPEAL DATE: July 22, 2025 (declined review)

APPEAL TO LUBA: August 14, 2025

CITY FILED RECONSIDERATION: August 28, 2025

CC (de novo) Hearing: November 4, 2025

City Council Dated of Adoption: November 18, 2025

PROJECT NUMBER: App-2025-100\CU-2025-102

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

PROJECT REVIEWER: Joshua Smith,
Planning Director

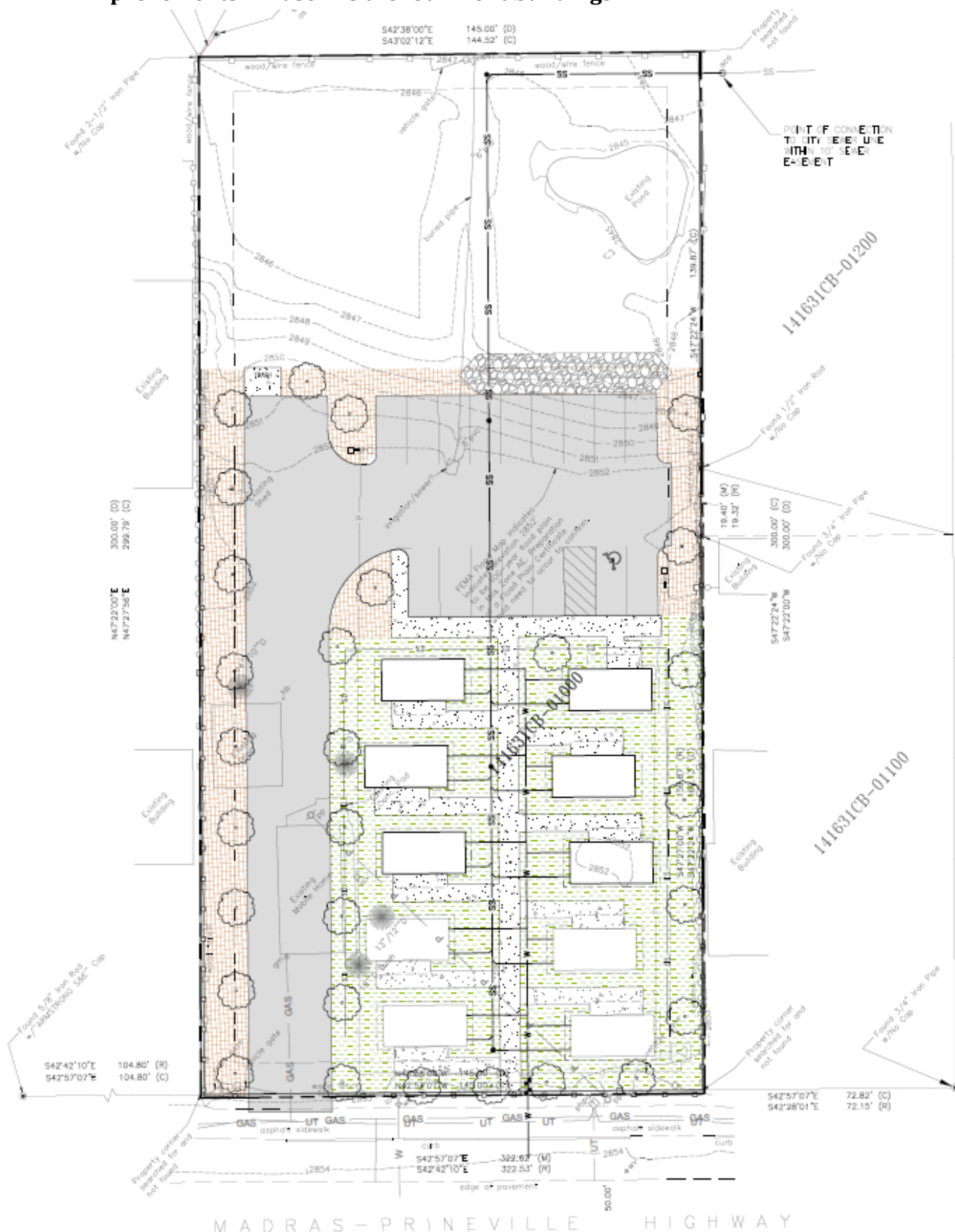
FINDINGS OF FACT:

- 1. LOCATION:** 996 NW Madras Highway; 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 (1) 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 (Hwy 26) 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 due to the 1998 flood event. The opposite side of Madras Highway is developed with commercial uses. A 2025 aerial image of the site is shown on the next page.
- 5. PROPOSAL:** The applicant is proposing a 9-Unit, Multi-Family cluster housing complex in the General Commercial (C2) Zone to house outpatient clients of the BestCare facility across the highway. A 10th structure will be built to the same standards as the housing units but is intended for use as an office with restrooms and laundry facilities. The project will include all the associated improvements required by City Code such as paved access, water, sewer, parking, landscaping and pedestrian improvements. A copy of the applicant's proposed site plan appears following the aerial image.

Site location and proximity to BestCare 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 of the hearing on appeal was sent to the same neighboring property owners as the original application and all persons who provided comments previously to the Planning Commission. Notice was mailed on October 8, 2025 and published in the newspaper on October 21, 2025. Comments provided as part of the original application are also part of the record. The following are new comments which are also part of the record.

Applicant – The applicant submitted additional written and oral testimony on November 4, 2025.

Housing Accountability and Production Office (HAPO) – The City received written communication from HAPO about interpretation of State laws after the Planning Commission’s original denial of the application and prior to the Council’s decision to decline review. HAPO provided additional guidance to staff prior to the staff report on appeal explaining how state law may be applied.

Neighbors – At the time of the staff report on appeal the City had not received any additional written comments. Verbal comments were received from neighboring homeowners who continue to be in opposition to the development. Additional testimony from interested members of the public was received by the Council at the November 4, 2025 hearing.

Fire –The Fire Department provided the same comments as the original proposal.

ODOT – ODOT previously provided comments about frontage improvements specific to drainage, pedestrian walkway, parking and access. ODOT submitted additional comments regarding unmarked crosswalks at Gardner and Studebaker and recommendations from the City’s 2025 TSP regarding improvements along Hwy 26.

- 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 of more than 4 units is a Type 2 Conditional Use in the C2 zone.

The applicant’s proposal meets all properly applicable approval criteria and should be approved. The proposal meets all applicable dimensional standards including setbacks, lot coverage, height, landscaping and parking. Open space and landscape areas consistent with Prineville Development Code (PDC) requirements 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.

BACKGROUND: On June 23, 2025, the City Planning Commission denied the application of BestCare Treatments Services, Inc. for a conditional use permit to construct and operate a nine-unit multifamily housing complex in the City's C2 zone. The Planning Commission found that all applicable approval criteria were met except for two: (1) the proposal did not meet PDC 153.014(A) because it was generally inconsistent with the Comprehensive Plan "due to inefficient use of commercially zoned land for single use, low density residential purposes," and (2) the proposal did not meet PDC 153.014(B) because "the application is not compatible with the purpose of the C2 zone."

The applicant appealed the Planning Commission's decision to the City Council on July 3, 2025. On July 22, 2025, the City Council declined to hear the applicant's appeal and let the Planning Commission decision stand as the final decision of the City. On August 14, 2025, the applicant appealed the decision to the Oregon Land Use Board of Appeals (LUBA). On August 28, 2025, the City withdrew the City's decision from LUBA for reconsideration pursuant to ORS 197.830(13)(b). The City's decision following reconsideration must be filed with LUBA by Wednesday, November 26, 2025.

On October 8, 2025, the City Council gave notice that it would reconsider the applicant's appeal in a "de novo" hearing process pursuant to PDC 153.258.060(2)(a)-(e). A "de novo" appeal proceeding is a public hearing before the City Council that considers the 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." PDC 153.250.020; 153.258.060(B).

STATE (ORS) CRITERIA

Criteria: Clear and Objective Approval Criteria

ORS 197A.400 Clear and objective approval criteria required; alternative approval process.

(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:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(2) The provisions of subsection (1) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central City plan, or a regional center as defined by Metro, in a City with a population of 500,000 or greater.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.

(4) Subject to subsection (1) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

Criteria:

ORS 227.173(2) Basis for decision on permit application...

(2) When an ordinance establishing approval standards is required under ORS 197A.200 and 197A.400 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.

Criteria:

ORS 227.175(4)(b)(A) Application for permit... approval criteria...

(4)(b)(A) A City may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including clear and objective design standards contained in the City comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197A.400 (2); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197A.400 (3).

Finding 1: The City finds that this is an application for housing and therefore is subject to the above-listed statutes. The City further finds that the City does not currently have a codified pathway for approval of housing that applies only clear and objective criteria, and therefore the City may not under ORS 197A.400(3) apply an alternative pathway that includes approval criteria that are not clear and objective. Accordingly, the City finds that pursuant to ORS 197A.400, ORS 227.173(2) and ORS 227.175(4)(b)(A), the City may only apply clear and objective criteria codified in the PDC to this application. The City finds that all clear and objective criteria for this application codified in the PDC are met, as set forth in the findings below.

Criteria: “By Right” Affordable Housing.

ORS 197A.445 Affordable housing allowed outright...

(1) As used in this section:

(a) “Affordable housing” means 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.

(b) “Area median income” means the median income for the metropolitan statistical area in which housing is located as determined by the Housing and Community Services Department and

adjusted for household size based on information from the United States Department of Housing and Urban Development.

(2) A local government shall allow affordable housing if the proposed affordable housing is on property that is:

(a) Owned by:

(A) A public body, as defined in ORS 174.109;

(B) A nonprofit corporation that is organized as a religious corporation;

(C) A nonprofit corporation that is organized as a public benefit corporation

whose primary purpose is the development of affordable housing;

(D) A housing authority, as defined in ORS 456.005; or

(E) A manufactured dwelling park nonprofit cooperative, as defined in ORS 62.803; or

(b) Zoned:

(A) For commercial uses;

(B) To allow religious assembly; or

(C) As public lands.

...

(4) Subsections (2) and (3) of this section:

(a) Prohibit the local government from requiring a zone change or conditional use permit before allowing the use.

(b) Do not trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.

(c) Except as provided in paragraph (d) of this subsection, do not apply on lands where the local government determines that:

(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

(B) The property contains a slope of 25 percent or greater;

(C) The property is within a 100-year floodplain; or

(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:

(i) Natural disasters and hazards; or

(ii) Natural resources, including air, water, land or natural areas, but not including open spaces or historic resources.

(d) Do apply to property described in paragraph (c)(C) and (D)(i) of this subsection if more than 60 percent of the lands within the urban growth boundary that the property is within are located within a tsunami inundation zone or if more than 30 percent of the lands within the urban growth boundary that the property is within are located within a 100-year floodplain.

...

Finding 2: The City finds that the proposal does not constitute “affordable housing” within the meaning of ORS 197A.445. The units are not made available to “own or rent to families” but rather are made available only to qualifying patients of BestCare. Moreover, the units are not available to “rent or own” at all to any “family”, rather occupants are not permitted to buy any unit and are not charged rent but rather participate as a part of their enrollment in BestCare’s treatment program. The City finds that even if the proposal is affordable housing within the meaning of the statute, under ORS 197A.445(4)(c)(C) the statute would not apply because the subject property is within the 100-year floodplain and while unnecessary, the Council notes that portions of the proposed development are also in the 100-year floodplain.

Criteria:

ORS 197A.460 Residential use of commercial lands for affordable housing.

(1) Notwithstanding an acknowledged comprehensive plan or land use regulations, within an urban growth boundary a local government shall allow, on lands zoned to allow only commercial uses and not industrial uses, the siting and development of:

(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.

(2) The local government may only apply those approval standards, conditions and procedures under ORS 197A.200 and 197A.400, that would be applicable to the residential zone of the local government that is most comparable in density to the allowed commercial uses.

(3) Development under this section does not:

(a) Trigger any requirement that a local government consider or update an analysis as required by a statewide planning goal relating to economic development.

(b) Apply on lands where the local government determines that:

(A) The development on the property cannot be adequately served by water, sewer, storm water drainage or streets, or will not be adequately served at the time that development on the lot is complete;

(B) The property contains a slope of 25 percent or greater;

(C) The property is within a 100-year floodplain; or

(D) The development of the property is constrained by land use regulations based on statewide land use planning goals relating to:

(i) Natural disasters and hazards; or

(ii) Natural resources, including air, water, land or natural areas, but not including open spaces.

(c) Apply on lands that are vacant or that were added to the urban growth boundary within the last 15 years.

Finding 3: The City finds that under ORS 197A.460(1), this statute does not apply to this application because, while the project site is within the City's urban growth boundary, it is in the C2 zone and both commercial and industrial uses are allowed in the C2 zone. Specifically, the C2 zone allows industrial uses such as manufacturing, heavy equipment repair, machine shop, recycling facility, auto wrecking, etc. Further, the subject property is situated within the 100 year floodplain as are portions of the proposed development to include portions of the proposed parking, trash and storm facilities.

CITY CRITERIA

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 4: 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 any such requirements shall be a condition of approval.

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 5: The City finds that PDC 153.014 sets forth approval criteria that, as applied to housing, are not clear and objective. Therefore, under ORS 197A.400, ORS 227.173(2) and ORS 227.175(4)(b)(A), the City may not apply PDC 153.014 to this application. The Planning Commission's application of PDC 153.014(A) and (B) to deny the application was in error.

Criteria:

153.037 COMMERCIAL & INDUSTRIAL USE TABLE

Type II Conditional 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:	Front setbacks:	10ft.
Fourplex:	Side setback:	5ft. (single story)
10,500s.f.	Rear setback:	10ft.
Additional area for each unit over 4:	Building Height:	35ft.
1,500s.f.	Building Coverage:	35%
	Clear Vision:	25ft.
	Street Frontage:	50ft.

Finding 6: The City finds that the project is multifamily housing with more than 4 units which is a conditional use in the C2 zone. Pursuant to PDC 153.036, the dimensional standards for the project are the standards in the residential R2 zone, and the City finds that all of those dimensional standards are met by the proposal. 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 7: To ensure compliance with PDC 153.046(1), the City imposes a condition of approval requiring that any signs for the project shall not exceed 32 square feet in size.

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.*

Finding 8: The City finds that the approval criteria of PDC 153.020(A) are not clear and objective and therefore are not applicable to this application. Alternatively, the City finds that the project meets the intent of the City's design review regulations. This 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 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 9: The City finds as follows:

1) The current right-of-way (ROW) for NW Madras Highway adjacent to the site is 100 feet wide. No additional ROW is required. ODOT has submitted comments with regard to access and pedestrian facilities. There are no specific requirements from ODOT at this time. ODOT may have other requirements during the construction or other access permit requirements. Complying with ODOT standards is a general condition of approval.

2) 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. Necessary public infrastructure shall be constructed to City standards, other than potential requirements from ODOT which shall meet ODOT requirements. All on-site development shall meet Crook County Building Department and Fire Department requirements.

3) Landscaping is discussed in Finding 15.

4) All access, maneuvering and parking areas meet required dimensional standards and shall be paved to the Highway in accordance with City (PDC 153.085 and 153.086) and ODOT standards. This is further discussed in Findings 13 and 14.

5) The applicant's drainage plan (sheet T3) 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 10: The City finds that the applicant's site plan meets the City's clear vision area standards. Clear vision areas shall be maintained at all times and may be enforced at any time based on the requirements above or as amended.

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 11: The City finds that this criterion is met with imposition of a condition approval that lighting shall be shielded and focused downward to prevent light from directly shining onto adjoining properties or public rights-of-way.

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-obscuring fence or hedge not less than six feet in height.

Finding 12: The City finds as follows:

(H)(1,2) – The applicant is proposing less than 20 dwelling units and therefore these criteria do not apply.

(H)(3) – The applicant's site plan meets these standards.

(H)(4) – There are currently no sidewalks on 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. The City is not requiring any improvements within the scope of this criterion.

(H)(5) – The City is not requiring any storage facilities or extra parking spaces. The proposed use of the housing for outpatients of the applicant while receiving services reduces any need for household storage or extra parking.

(H)(6,7) – All public and private utilities listed in these criteria 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) – This criterion is met as the project is significantly below the applicable maximum density.

(H)(9) – This criterion requires 2,950 square feet of recreational space for this project. This criterion is met as the project will have about 6,500 square feet of usable landscaped area that qualifies as recreational space. In addition, each unit will have 125 square feet of individual space dedicated to each unit, and there is also 13,600 square feet of undeveloped land at the rear of the property that could be used for additional open recreation.

(H)(10) – This criterion is not applicable as applicant will not allow any of the listed vehicle types on site, so no parking for such vehicles is required. A condition of approval is imposed to ensure compliance.

(H)(11) – This criterion is met because the applicant has proposed a separate shared laundry facility on site for use by residents with machines at or above the required 6:1 ratio. Additionally, each unit will have hookups available for private laundry machines. A condition of approval is imposed to ensure compliance.

(H)(12) – This criterion is met because the applicant is proposing a 6' tall site obscuring fence surrounding the property other than at 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 13: The City finds that the development consists of 9 units, requiring 15 parking spaces. The criterion is met because the applicant is providing 16 spaces at the rear of the complex; including one ADA space. 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 14: The City finds that the applicant's site plan shows that all vehicle access, parking spaces and driveways shall be paved in compliance with the above criteria. As part of the building permit process, the Fire Department must approve 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 15: Multi-family complexes are required to provide at least 20% landscaping, which equals 8,712 s.f. for this property. The City finds that the applicant's site plan shows 13,525 s.f. of improved landscaped areas including turf, mulch, shrubs and trees.

Therefore, the total improved landscape area exceeds the required amount and complies with the criteria above. There is also additional open recreational space at the rear of the property that could be landscaped. The City further finds that adequate buffering and screening are provided by landscaping along the street frontage and adjacent the homes.

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 16: The City finds that the potential approval criteria of PDC 153.156 are not clear and objective and therefore do not apply to this application.

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 17: This is not an approval criterion; however, the applicant is made 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 the development cease and not continue as required, the permit will by operation of law be null and void as described above.

Criteria:

CHAPTER 151 FLOOD DAMAGE PREVENTION

151.40 General Standards

(F) Subdivision Proposals and Other Proposed Developments: All plans and permits for proposed new site improvements, subdivisions, and manufactured home parks shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes historical data, high water marks, photographs of past flooding, etc.

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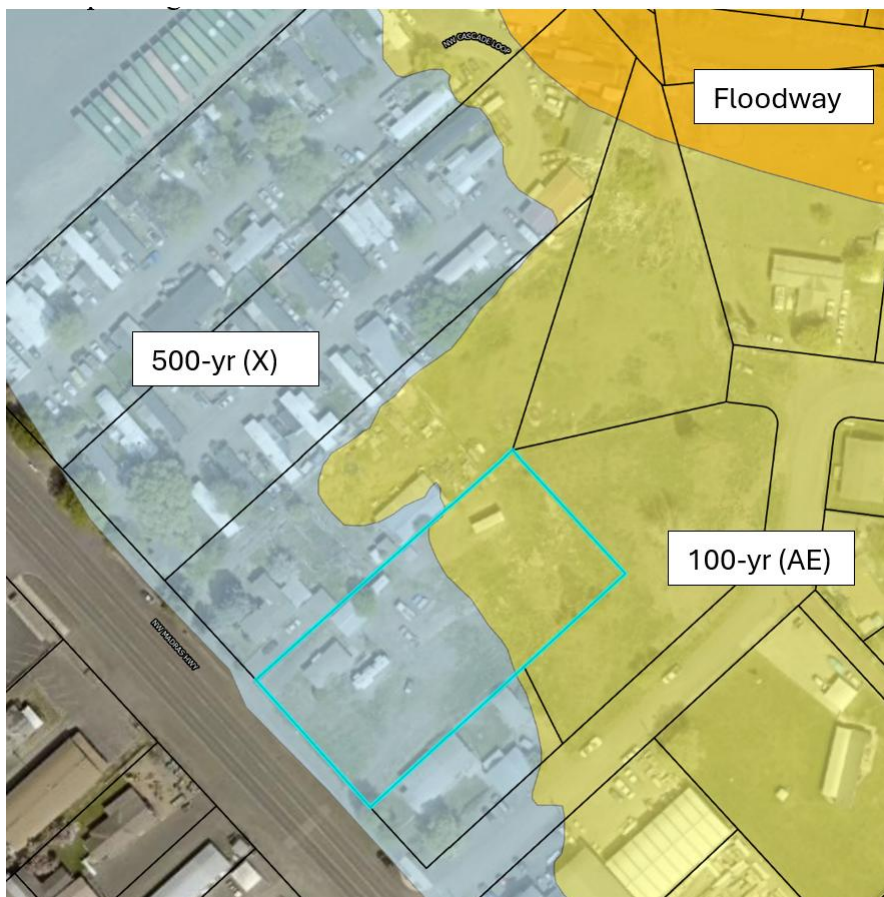
(2) All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:

(a) Be consistent with the need to minimize flood damage.

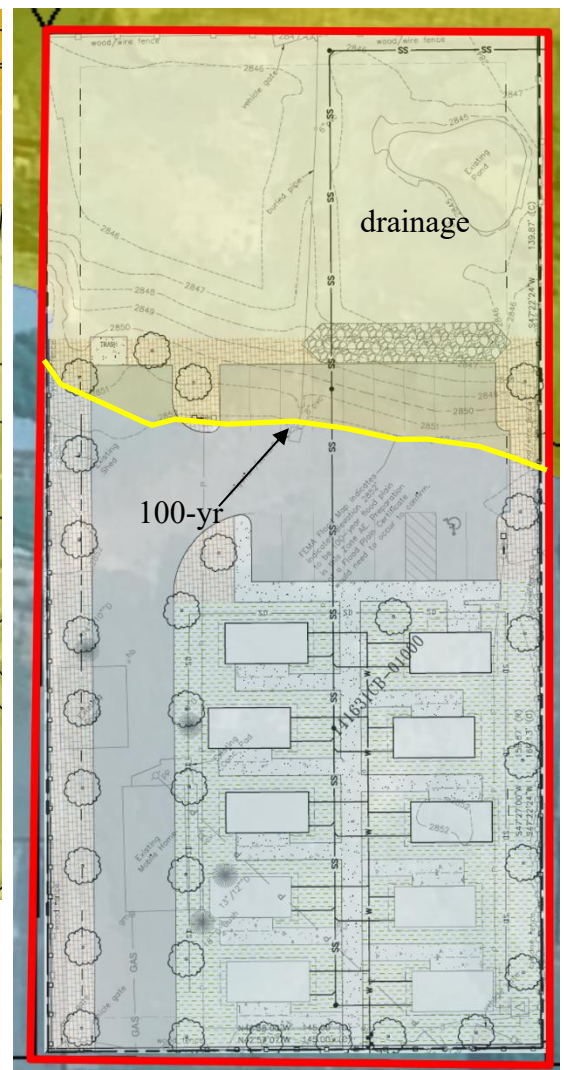
(b) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

(c) Have adequate drainage provided to reduce exposure to flood hazards.

Floodplain and surrounding area.



Floodplain and development overlay.



Finding 18: The City finds that a portion of the property is within the Special Flood Hazard area AE zone, commonly referred to as the 100-year floodplain. The Applicant proposes improvements in the 100-year floodplain to include parking, the trash enclosure, drainage swale. PDC 151.40(F) 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 and FEMA strive to balance grading of sites within the floodplain so that no flood storage is lost. This is commonly referred to as a no-net-fill. As a condition of approval, the applicant shall complete a flood development application demonstrating how the application will comply with a no-net-fill of the 100-year floodplain.

CONCLUSION AND CONDITIONS OF APPROVAL: The City finds that, with imposition of the following conditions of approval, **App-2025-100\CU-2025-102** for a 10-structure, 9-unit multi-family complex meets all applicable approval criteria and is approved. Such approval is subject to the submitted plans, findings stated herein and the following conditions of approval:

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 code compliant site plan focusing on access and water supply requirements found in the Oregon Fire Code shall be submitted to the Fire Department. Final plans shall be signed by the Fire Department prior to submitting for building permits.
3. The applicant shall construct all necessary public improvements in accordance with the City's standards and specifications and ODOT standards as applicable. Any City owned and maintained water and sewer lines that extend into the property, such as those to serve a fire hydrant, shall be placed in a 20' public utility easement and built to City standards. All buildings shall be connected to City water and sewer and other utilities as applicable. Garbage disposal shall be coordinated with Republic Services and onsite refuse shall be stored within a screened enclosure as proposed. Mail service shall be coordinated with the U.S. Postal Service.
4. The applicant shall place all new utilities underground in accordance with PDC 153.194(B).
5. The applicant shall provide paved parking, access and maneuvering areas, as well as sidewalks, driveways and pedestrian connections as depicted on the Applicant's site plan.
6. The applicant shall adhere to all submitted plans to include the Applicant's submitted landscape plan. Any changes to the proposed plans, including landscape plan, shall be submitted in map form or writing for City review and approval to ensure any revised plan meets the City's landscaping and buffering standards.
7. The applicant shall provide a 6-foot site obscuring fence surrounding the entire property other than at the access locations.
8. The applicant shall complete and submit to the City a flood development application demonstrating the proposed development will comply with a no-net-fill of the 100-year floodplain.
9. Signs for multifamily dwellings shall not exceed 32 square feet. Signs submitted as part of the application and meeting the City's sign code are considered approved as part of this application. Future sign proposals shall be submitted for code compliance and made a part of this application.
10. 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 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

Prior to Building Permit

11. 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

12. All stormwater drainage shall be maintained on-site per the applicant's drainage plan.
13. 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 people on a public street or adjacent properties.
14. 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. If proposed lighting does not meet this criteria, additional shielding may be required to accomplish this.
15. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances and secure all permits required by the Crook County Building Department or State and Federal agencies.
16. The applicant shall prohibit onsite parking of recreation vehicles, camp trailers, boats and similar recreational equipment.
17. Any shared laundry facilities provided by the applicant shall have at least one washer and one dryer for every six dwelling units.

THIS DECISION ON RECONSIDERATION IS ISSUED PER THE TERMS OF OAR 660-010-0021(3) on _____, 2025, when it was approved by the Council and signed by the Mayor. This decision will be submitted by the City to the Oregon Land Use Board of Appeals (LUBA) within 7 days of the date of its issuance per OAR 661-010-0021(3) and copies of it will be served on all parties. Petitioners may seek LUBA's review of this decision as provided in OAR 660-010-0021.

Rodeny J Beebe: _____ Date: _____
Mayor