



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT STAFF REPORT

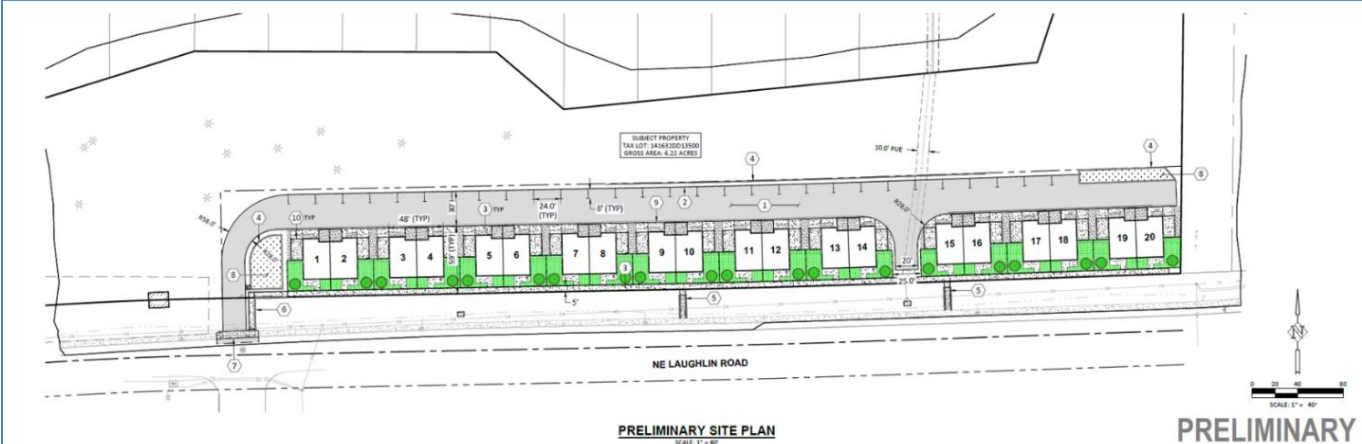
APPLICATION DATE: September 6, 2024
HEARING DATE: October 15, 2024
PROJECT NUMBER: CU-2023-103
APPLICANT/ OWNER: Thistle & Nest
250 NW Franklin Avenue, Suite 401
Bend, OR, 97703
DESIGNER: Harper, Houf Peterson, Righellis Inc.
250 NW Franklin Avenue, Suite 401
Bend, OR, 97703
PROJECT REVIEWER: Joshua Smith, Planning Director

APPLICABLE CRITERIA:

City of Prineville Code of Ordinances, Title XV – Chapter 153 – Including Sections: 153.009, 153.014, 153.020, 153.035, 153.036, 153.046, 153.080 -153.096, 153.135 – 153.138, 153.190 – 153.200, 153.250 - 153.261.

FINDINGS OF FACT:

- 1. **LOCATION:** 1501 NE Laughlin Road, Units 1-20; Map & Tax Lot 141632DD13500.
- 2. **ZONING:** The property is zoned General Residential (R2), is designated residential on the Comprehensive Plan map and multi-family on the Ironhorse ODP.
- 3. **LOT OF RECORD:** The property has been determined to be a legal parcel as Tract A of the Ironhorse Phase I subdivision, recorded June 2, 2022.
- 4. **Related Documents:** SUB-05-707 (ODP), SUB-05-06-710
- 5. **PROPOSAL:** The applicant is proposing a 20-Unit, Duplex-style Multi-Family development on property in the General Residential (R2) Zone and within the Ironhorse Outline Development Plan designated for Multi-family. The plan will include all the associated improvement requirements of the City’s code; such as paved access, water, sewer, parking, landscaping and pedestrian improvements.



PRELIMINARY SITE PLAN

PRELIMINARY

6. **SITE DESCRIPTION:** The property is ~6.22 acres, and is currently vacant. The parcel fronts along Laughlin Road and includes a significant slope on the north side. Single-family homes are developed above along NE Union Loop. A 2023 aerial image of the site is shown below.



7. **COMMENTS:** Notice to neighbors within 100 feet of the property was sent on September 16th, 2024.

Neighbors – At the time this staff report was written the City has not received any verbal or written comments.

City – Planning, Public Works, Fire Department and OID provided comments to the applicant prior to and during the Pre-application meeting. The applicant made alterations to their plan based on those comments prior to submitting their application. After application and during the development review meeting comments were limited to the details of their infrastructure plans.

8. **FINDINGS SUMMARY:** The plans submitted by the applicant are the foundation of this application. This property is currently zoned (R2) General Residential. The development will be assessed system development charges (SDC) for water, sewer, traffic and parks. The applicant is meeting all setback, lot coverage and height requirements. Staff believes the proposed design as submitted is meeting 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 an attractive look and feel to the site. The applicant shall extend City sewer and water "to and through" the development along the project frontage to City standards. The applicant shall connect the buildings to City water and sewer and other utilities. 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 may be enforced at any time. The applicant is meeting the standards required for multifamily complexes, including the minimum landscaping standards of at least 20%, and is exceeding the parking standards.

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 regulation 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) The plans submitted by the applicant are the foundation of this application. The proposal is compatible with the Comprehensive Plan by meeting the City's zoning regulations and housing needs in Chapter 7 of the Comprehensive Plan, as well as the housing needs and processes identified in ORS 197.307.

B) The proposal is meeting or can meet requirements of the R2 zone and Ironhorse outline Development plan (ODP) through conditions of approval.

C) The applicant shall obtain occupancy permits from the Crook County Building Department.

D) Specific standards related to this multi-family development are listed in section 153.083(H). Specific standards are discussed further in Finding 9.

E) 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 the 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 concurrent with building permits and therefore may change over time if individual buildings are constructed at different times.

F) All uses are required to comply with local, state or federal pollution standards. If it is identified that such standards are being exceeded, measures shall be taken to come back into compliance.

Criteria:

153.035 RESIDENTIAL USE TABLE

Conditional Type II use in R2 zone: Multi-family dwelling or complex, of more than ten dwelling units

153.036 RESIDENTIAL DIMENSIONAL STANDARDS

Minimum lot area:

Fourplex: 10,500s.f.

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

Front setbacks: 10ft.

Side & Rear setback: 10ft. (Plus 1ft. for every foot above 25ft.)

Building Height: 35ft.

Lot Coverage: 35%

153.046 GENERAL RESIDENTIAL R-2 ZONE.

In an R-2 Zone, the following regulations shall apply.

(A) Purpose. *It is the purpose of the R-2 Zone to provide for residential areas which permit a mixture of a variety of housing types at various densities in a more planned type of development design, including a minimum of nonresidential commercial convenience and service type uses in more accessible proximities for the purposes of providing for conveniences and services to the dominant intended residential users of the area.*

Finding 3: The proposed use is a Type II conditional use within the R2 zone because it is proposing more than 10 units. The proposal meets the purpose of the R2 zone by providing a planned development with a housing type and density that is not prevalent in the area, yet consistent with surrounding urban densities. The submitted site plan complies with minimum setbacks, lot coverage, and density standards. The northern property boundary abuts Phase I of the Ironhorse subdivision, developed with single-family homes that are significantly elevated above the subject property. The closest homes are over 100 ft. away from the edge of the duplex development area and objectively more due to the slope of the property. To the west, the property is zoned R2 but largely vacant. There is one single-family dwelling on a large parcel. East of the proposed development site the property is zoned R2 and owned by the Ironhorse HOA as part of their open space. This area is also undevelopable land due to a large buried irrigation pipe. On the south side, the property abuts NE Laughlin Road, with commercial uses including a shopping center on the opposite side of the street. The overall density for the development is the equivalent of over 13,500 s.f. per unit, nearly double the lot size of many of the single-family lots in adjacent Ironhorse. The applicant is meeting or exceeding the minimum 10ft. front setback and is meeting the required setbacks for the respective building types. Requirements within the R2 zone 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 32s.f. 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: 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. The proposed use is subject to design review and may also be subject to ORS 197.307 for needed housing, which requires local governments to apply only clear and objective standards. Staff believes the proposed design as submitted is meeting the intent of the City's design review code and the City's clear and objective standards. The proposed design uses a mixture of materials, site lines and articulation to break up the appearance of the duplexes. The site utilizes landscaping, carports, access, parking areas and natural slopes to provide buffers to neighboring properties while also providing areas of recreation space and meets required setbacks. Enhanced native landscaping is proposed along Laughlin Road to provide an attractive look and feel to the site.

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 NE Laughlin Road adjacent to this project is 80'. The Ironhorse development has already dedicated their share (20') of needed right-of-way in this area of Laughlin road. Two 10' dedications were made, one on partition plat 2014-08 and one on partition plat 2017-20.

2) As part of this development the applicant shall connect to the City's water and sewer systems. It is the intent of the City to design and construct the water and sewer extensions for this development as part of a State grant the City received to promote multi-family development. The City's water line shall be extended from its location in Ochoco Plaza Drive, across Laughlin Road and east within the ROW behind the sidewalk for the length of the property. This extension includes the appropriate service connections, valves and fire hydrants. The City sewer line shall

be extended from its location in Ochoco Plaza Drive, to a manhole in Laughlin Road and extending to the property line, terminating in a clean-out that will be used by the proposed development to connect their private system.

All other utilities such as power, communications, gas, etc., shall be extended underground as necessary to serve the site. All public infrastructure and those within the City right-of-way will be constructed to City standards. All on-site utility development shall meet Crook County Building Department and Fire Departments 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 in accordance with City code. 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. The system is shown to be designed to fully contain the 100-year storm with infiltration.

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

Finding 9:

(H)(1,2) – The applicant is proposing 20 dwelling units. There is a single access to the site, directly onto NE Laughlin Road (Minor Arterial). All access shall meet City standards for a multi-family complex.

(H)(3) – The applicant is proposing a minimum 30-foot access at the entrance and 22-foot two-way access lane adjacent to the proposed 8-foot-wide parking spaces. The submitted

plans have been reviewed by the Fire Department. Some modifications to the plans may be required to ensure emergency vehicle turning radii are met. The 22-foot private alley for the development is not wide enough to meet code for two-way traffic and parking. The private alley will be conditioned to have 24 feet for ingress and egress travel lanes.

(H)(4) – The applicant’s submitted plan shows 3 pedestrian access points connecting from the sidewalk in NE Laughlin Road to the 5-foot internal sidewalk above that serve each building. The sidewalk connection at the private alley entrance is intended to be ADA compliant.

(H)(5,10) – The applicant is providing ~22 s.f. of secured storage areas off of each rear patio, but is not proposing boat or RV storage, nor are they allowing such storage. There are options for RV and boat storage within the community.

(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). If communal garbage disposal is proposed it shall be within a screened enclosure. 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 R2 zone as stated in Finding 3. At 6.6 acres the max density would be 184 units. Due to the terrain this is impractical, but does demonstrate the limited density that is proposed.

(H)(9) – This development would require 3,500 s.f. of recreational open space. The applicant is proposing that the private yard areas in front of each dwelling unit be considered adequate for this recreational open space. These yards provide ~520s.f. of private recreational space protected from driveways and parking areas. This would equate to 10,400s.f. for the project. There is also a substantial amount of sloped area that will remain undeveloped, providing visual open space and a shared internal sidewalk. With consideration of these yard areas, the proposal meets the minimum requirement for recreational space for multi-family complexes in the R2 zone.

(H)(11) – The applicant is proposing that each unit have its own laundry facilities.

(H)(12) – The applicant is proposing fencing along the private walkway in front of each unit, creating a continuous fence along NE Laughlin Road. Based on the proposed layout and design of the complex to function more like single family homes, staff believes the requirement for complete perimeter fencing is impractical and not warranted. Similar to single family homes the fencing in the front yards shall be limited to 4ft. in height.

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 20 units, requiring 31 parking spaces. The applicant is providing 50 spaces. Each proposed unit will have one parking space on the side of the unit under the carport and 30 shared spaces on the private alley. It is recommended that the applicant develop a system for designated specific spaces on the private alley to each unit, to help utilize parking more efficiently, as there is no on-street parking available. Overall, the applicant is exceeding the minimum parking requirement.

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 private alley shall be paved as indicated above and shown in the applicant's submittal. A fire turnaround has been integrated into the private alley and a smaller turnaround at the end of the private alley shall be developed to aid vehicle circulation. These areas shall be signed for "no parking".

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 15,246 s.f. based on the developed area 1.75 acres. In review of the applicant's site plan, there are 9,757 s.f. of turf areas including trees adjacent to the dwelling units, and at least 16,000 s.f. of improved low water native landscaping along the

project frontage of NE Laughlin Road, that will include perennials, shrubs, grasses and groundcover. Disturbed areas outside the improved landscape plan will be natively seeded and undisturbed areas will remain in their naturally vegetated state. 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, the previously mentioned fencing and the construction of attached carports. Staff does not see a need for additional buffering and screening at the sides or rear of the development. The City understands that this landscape plan is conceptual and there may be a desire to modify the plan for different species and location as the project is constructed. Changes to the proposed plan shall be submitted in writing or map form for an informal City review and approval to ensure the plan is meeting City's landscaping standards.

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; however, these conditions cannot violate State law with regard to needed housing referenced in ORS 197.307. This ORS states that "a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing". Clear and objective standards are such things as density, setbacks, height limits or anything in the land use code that requires a specific number or measurement of something. This statement does not infringe on the local government prerogative to impose other special conditions such as screening, buffering, fencing, lighting, access and public facilities.

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: 153.192 EASEMENTS.

(A) *Utility lines. Easements for sewer lines, water mains, electric lines or other public utilities shall be as required by the serving entity, but in no case be less than 12 feet wide and centered on a rear and/or side lot line unless approved otherwise by the city. Utility pole anchor or guy wire easements may be reduced to 6 feet in width.*

(B) *Water courses. If a lot is traversed by a water course, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of the water course, and such further widths as deemed necessary.*

(C) *Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian and/or bicycle way of not less than 5 feet in width may be required to connect to a cul-de-sac or to pass through an unusually long or oddly shaped block, or to otherwise provide appropriate circulation and to facilitate pedestrian and bicycle traffic as an alternative mode of transportation.*

(D) *Sewer and water lines. Easements may also be required for sewer and water lines, and if so required, shall be provided for as stipulated to by the City Department of Public Works.*

Finding 15:

(A,D) Utility easements shall be required as determined by the serving entity. These are typically for main line extensions not maintained by the property owner. No such easements are anticipated to be needed.

(C) There is an existing sidewalk along the property frontage, which does not connect to a designated trail. A west-bound bicycle lane is already designated and striped within NE Laughlin Road. A trail connection could be established to the north connecting NE Boxcar Drive and there is an opportunity to work with neighboring property to the east to establish a connection to Combs Flat Road.

RECOMMENDED CONDITIONS OF APPROVAL: If approved the following conditions are recommended for application **CU-2024-103** for a twenty (20) unit multifamily complex consisting of ten (10) 2-story duplex buildings. 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. Final plans shall be signed off by the Fire Department prior to submitting for building permits.
3. Outside the designated parking area, the applicant shall mark the private alley including designated turnarounds as a fire lane to Fire Department standards. This may include signage or painted curbs.
4. The applicant shall construct all public improvements in accordance with the City's standards and specifications. This includes but is not limited to the extension of a 12" water line along the frontage of the property and a sewer line extension to the private alley entrance of the property. The City has received a grant for the extension of public water and sewer lines to this property. It is the intent of the City to design and bid this project. 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. Any communal and be within screened enclosures. Mail service shall be coordinated with the U.S. Postal Service.
5. The applicant shall place all new utilities underground.
6. The applicant shall provide paved parking, access and maneuvering areas (private alley) as well as sidewalk, driveways and pedestrian connections consistent with their site plan and to City Standards.
7. The private alley shall be a minimum of 32 feet wide to provide 24 feet for two-way traffic and 8 feet for parallel parking stalls. An additional turnaround at the end of the private alley shall also be constructed to aid in proper vehicle circulation.
8. 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.
9. The applicant shall provide the improved recreational space with each unit as shown in the submitted site plan and landscape plan. The recreational areas may change over time, but shall generally adhere to the submitted concept.
10. The applicant shall provide connections for clothes washing and drying within each dwelling.

11. 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

12. 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

13. All stormwater drainage shall be maintained on-site per the applicant's drainage plan.
14. 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.
15. 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.
16. Front yard fencing along NE Laughlin road shall not exceed 4ft. in height.
17. It is recommended that the applicant develop a system for designating specific spaces on the private alley to each unit, to help utilize parking more efficiently.
18. 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.


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