



**City of Prineville**  
**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**  
**STAFF REPORT**

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**HEARING DATE:** August 16<sup>th</sup>, 2016

**PROJECT NUMBER:** LP-2016-100

**APPLICANT/OWNER:** Robert Komlofske  
P.O. Box 1547  
Prineville OR 97754

**SURVEYOR:** Kelso Land Surveying  
730 NW 3<sup>rd</sup> Street  
Prineville OR 97754

**PROJECT REVIEWER:** Joshua Smith  
Senior Planner

**APPLICABLE CRITERIA:**

City of Prineville Code of Ordinances, Title XV, Chapter 153 including but not limited to sections 153.009, 153.014, 153.036 - 153.038, 153.051, 153.080 -153.097, 153.136, 153.160, 153.164, 153.190 - 153.200.

**FINDINGS OF FACT:**

1. **PROPOSAL:** A 3 parcel partition on commercially zoned property previously used as a 7 unit trailer park, for the purpose of building duplexes on each parcel.
2. **LOCATION:** 831 NW 2nd Street, Map & Tax lot 15-16-06BA 01800
3. **ZONING:** The subject property is zoned General Commercial (C2).
4. **SITE DESCRIPTION:** The parcel is located at the corner of NW 2<sup>nd</sup> Street and Meadow Lakes Dr. It has historically been used as a 7 unit trailer park, with the last of the trailers being removed in the spring of 2016. The site is currently vacant, a 2014 aerial of the site is shown below.



5. **LOTS OF RECORD:** The site is a legal lot of record by deed recorded at the Crook County Clerk's office.
6. **COMMENTS:** No property owners within the notice area submitted comments. Comments from City departments were expressed in the incomplete letter sent on 6/17/2016. After revisions to the proposal, Public Works commented on needing to determine how public utilities would be connected.
7. **FINDING SUMMARY:** The proposed land partition is an outright use and may affect the purpose of the C2 zone due to proposed parcel sizes. The parcel sizes are proposed for residential use which does deviate from the purpose of the C2 zone but is allowed as a conditional use if approved by the Planning Commission. The purpose of this application is to determine whether the proposed use of residential in a commercial zone is appropriate in this location or if the property should be maintained for commercial activity. This partition is in compliance with the General Commercial (C2) zone and can also meet the dimensional standards of the General Residential (R2) zone for the proposed duplexes. The Partition will include shared access easements and ROW dedications to meet City street standards. Finding 5 discusses criteria and factors to consider when developing residential in a commercial zone. If approved proper access and public services will need to be constructed to each parcel. SDC credits from the previous trailer park shall be applied to new construction.

**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.*

**Finding 1:** The applicant shall comply with all City, County, State and federal rules and regulations. These rules and regulations include but are not limited to, meeting the City's standards and specifications for all public infrastructure, platting of the parcels to City, County and State standards and meeting Crook County Building Department requirements for all onsite construction.

**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.*

**Finding 2:** The comprehensive plan does not address land divisions directly; however, the purpose of the partition will provide orderly growth and development at a time when this type of housing is needed. Orderly and efficient growth is the primary purpose of the Comprehensive plan.

This partition is in compliance with the General Commercial (C2) zone and can also meet the dimensional standards of the General Residential (R2) zone for the proposed duplexes. The Partition will include easements and dedications of ROW that will aid in expanding public facility carrying capacity in the future. SDC credits from the previous trailer park shall be assessed toward future development.

**Criteria: 153.051 GENERAL COMMERCIAL C-2 ZONE.**

*In a C-2 Zone, the following regulations shall apply.*

*(A) Purpose. The purpose of the C-2 Zone is to provide for those commercial uses which are considered more desirable to be located in an area outside of the downtown commercial core area, that are more dependent upon and create the highest volumes of vehicular traffic, are considered the heaviest or most intensive type of commercial uses, which actually involve a combination of heavy commercial and light industrial type uses, which commonly involve expansive areas of outside storage and displays of products and are more traveler oriented.*

**153.037 COMMERCIAL & INDUSTRIAL USE TABLE**

*Land Partition Minor (no new roads) - Outright*

*Two family dwelling units, Triplexes and Fourplexes - Type II conditional use*

**153.038 COMMERCIAL & INDUSTRIAL DIMENSIONAL STANDARDS**

*Permitted residential - shall meet R2 standards*

**Finding 3:** The proposed land partition is an outright use and may affect the purpose of the C2 zone due to proposed parcel sizes. The parcel sizes are proposed for residential use which does deviate from the purpose of the C2 zone but is allowed as a conditional use if approved by the Planning Commission. The purpose of this application is to determine whether the proposed use of residential in a commercial zone is appropriate in this location or if the property should be maintained for commercial activity. This is discussed further in Finding 5.

**Criteria: 153.036 RESIDENTIAL DIMENSIONAL STANDARDS**

*Minimum Street Frontage (ft.): 50ft.*

*Minimum Lot Size: 5000 sq. ft.*

*Minimum Lot size for duplex: 7500 sq. ft.*

**Finding 4:** All parcels will have approximately 70 ft. of frontage and be over 8000 sq. ft. The applicant has submitted site plans showing how the duplexes will fit on each lot. The site plans and partition boundaries will need to change slightly to accommodate the required 25ft. garage setback for the duplex on Meadow Lakes Drive. The applicant is maximizing lot coverage and can meet setback standards. Individual site plan approvals will be required for each building.

**Criteria: 153.083 STANDARDS FOR SPECIFIC USES.**

*(T) Residential dwellings in a commercial zone. Residential uses from single family dwelling to fourplexes shall consider the following limitations when placed in a commercial zone.*

- (1) Structures shall not be located on a major collector or arterial streets unless;*
- (2) The property is determined not to be commercially viable based on size, location and surrounding uses.*
- (3) Provisions for the future conversion to a commercial business should be considered when placing a residence on a lot.*

**Finding 5:** There are many factors to consider when reviewing a residential use in a commercial zone. Section (T) above has three basic criteria that the Planning Commission shall consider, though there are other factors as well, such as previous use and proximity to amenities such as the downtown, residential uses, parks and groceries.

Stated criteria above:

- 1) Two of the structures would access NW 2<sup>nd</sup> Street which is designated a major collector in the City's Transportation Systems Plan, while the corner lot would access Meadow Lakes Dr., which is a local Street.
- 2) The current property has commercial value due to its proximity to the Hwy and NW 2<sup>nd</sup> Street, especially if it were combined with the properties to the north along the Hwy that are currently under the same ownership. The City is unaware of any commercial proposals for the property that has been underutilized for over a decade.
- 3) The proposed duplexes could be converted to office space in the future as other residences have, though parking could be a challenge for some businesses.

Other Factors to consider:

- The property has historically been residential as a 7 unit trailer park, though that is not reason enough to deviate from the purpose of the C2 zone. Existing uses are allowed to continue but are generally expected to re-develop within their zone designation.
- The majority of the area is used as residential other than the properties that front the Hwy.
- The south side of NW 2<sup>nd</sup> St. transitions to a residential zone at Meadow Lakes Dr.
- The property is in walkable distance to the downtown, groceries, Library and Library Park.

**Criteria: 153.160 LAND PARTITIONING.**

*(A) Applicability of regulations. As defined in this section and this chapter, all land partitioning within the city, except as set forth in division (B) of this section, must be approved by the city as provided for in this section; however the Planning Director or designee may refer any partition to the hearings body for a hearing and decision.*

*(F) Requirements for Tentative Partition Approval.*

- (1) The proposal is in compliance with ORS Chapter 92, the City's Comprehensive Plan, Master Plans, Standards and Specifications and applicable zoning regulations.*
- (2) Each parcel is suited for the use intended or to be offered, including but not limited to sewage disposal, water supply, guaranteed public street access and utilities.*
- (3) The proposal is in compliance with section 153.016 (water and sewer required) the design and improvement standards and requirements set forth in 153.190 et seq. and the City's*

*Standards and Specifications or as otherwise approved by the city, or that such compliance can be assured by conditions of approval.*

*(4) Proposal will not have identifiable adverse impacts on adjoining or area land uses, public services and facilities, resource carrying capacities or on any significant resources.*

*(5) Adequate mitigation measures are provided for any identified and measurable adverse impacts on or by neighboring properties or the uses thereof or on the natural environment.*

**Finding 6:**

1) This proposal is in compliance with ORS Chapter 92 regarding procedures, notice, platting and public infrastructure. As stated in Finding 2, this proposal is in compliance with Comprehensive Plan and zoning regulations. The applicant is complying with the City's master plan requirements for street, water and sewer and the City's standards and specifications will be used for the construction of public infrastructure that will be needed for the proposed duplexes.

2) Each parcel is large enough for the intended use of a duplex.

3) City services will need to be extended to each unit of the proposed duplexes in accordance with the City's standards and specifications.

4) This partition is not expected to have adverse impacts to existing neighboring properties or land uses, though issues could arise with increased traffic or excessive noise or light based on what type of commercial development occurs on neighboring property. Resource carrying capacities will not be exceeded.

5) No measurable adverse impacts to neighboring properties have been identified at this time. Future commercial development could create issues for residential uses such as excessive noise or light based on the type of commercial development in the area.

**Criteria:** *(G) Improvement requirements. The approval of any land partitioning, the need for a survey, and the need for street and other public facility improvements shall be considered and such may be required as a condition of approval. Any survey and/or improvement requirements that may be required for a subdivision or other land development may be required for a partitioning, including infrastructure, bonding or other assurance of compliance.*

*(1) Provisions are made for access to abutting properties that will likely need such access in the future, including access for vehicular and pedestrian traffic, public facilities and services and utilities.*

*(2) All required agreements shall be recorded at the Crook County Clerk's office at the same time of recording of the final partition plat.*

*(3) If the existing street right-of-way is not consistent with city standards or new right-of-way is required through a city master plan or "to and through" standard, street right-of-way shall be dedicated, in compliance with the City's Standards and Specifications and frontage requirements.*

*(4) Public infrastructure including right-of-way, water, sewer, streets and sidewalks shall be extended and constructed, per the City's Standards and Specifications, "to and through" each lot created by the partition, unless otherwise approved by the city due to the following:*

*(a) Certain aspects of the "to and through" standard may be deferred for one clearly defined remainder lot of at least five acres where future development or division is likely and the infrastructure will be brought through the remainder lot at that time. Right-of-way shall be extended to and through but street, water and sewer infrastructure may be deferred until new development or division of the remainder lot.*

*(5) All public utilities are available to each lot line within an adjacent street or alley.*

*(6) Paved access is guaranteed to each lot.*

*(7) Future development is to be connected to the city's sewer and water systems.*

**Finding 7:**

- 1) There is no need to provide facilities or access to abutting properties. All City services are within NW 2<sup>nd</sup> Street or Meadow Lakes Dr.
- 2) No special agreements are necessary to complete this partition.
- 3) The applicant shall dedicate to City standards a portion of NW 2<sup>nd</sup> Street and Meadow Lakes Dr. to meet the required future widths of these streets. These dedications are shown on the tentative plan.
- 4) City water, sewer and streets are extended “to and through” each proposed parcel; however, additional service lines will be needed to serve each parcel. There are existing sidewalks in excellent condition on both street frontages, however they do not meet the standard 8ft. in a commercial zone due to previous right-of-way constraints. The 2<sup>nd</sup> Street sidewalk was constructed using City system development funds, any addition to this sidewalk would be reimbursable and will therefore not be required. The sidewalk on Meadow Lakes is currently almost entirely on private property, due to the street not being centered. The additional 5 foot right-of-way dedication will provide enough room for approximately 1.5 feet of additional sidewalk width to a maximum of 6.75 feet. Adding 1.5 feet to a sidewalk in excellent condition is not a reasonable request and will therefore not be required. The NW 2<sup>nd</sup> Street access point shall be constructed to properly align with the joint access easement for the two interior parcels. The second access on NW 2<sup>nd</sup> Street shall be removed and replaced with a sidewalk to match existing.
- 5) Public utilities are available within the street, however new service lines for each duplex will need to be constructed to City standards and in coordination with Public Works. Other utilities are available within the City’s right-of-way through franchise agreements with the City.
- 6) The streets in this area are fully constructed providing guaranteed paved access to each parcel.
- 7) Any future development is required to connect to the City’s water and sewer systems.

**Criteria: 153.164 FINAL PLAT FOR SUBDIVISIONS, PARTITIONS, LOT CONSOLIDATIONS & REPLATS.**

*(A) Time requirement. Except as otherwise approved in accordance with the approval the subdivider or partitioner shall, within 1 year after the date of approval (including the appeal period), prepare and submit with the appropriate filing fee the final plat for a subdivision or partition that is in conformance with the tentative plan as approved and with all conditions applicable thereto.*

*(C) Conditions of Final Plat Approval. The conditions for final plat approval are essentially the same for a subdivision or partition. A partition plat may require fewer signatures based on the type of review and dedications.*

*(1) The City Planning Official and City Engineer shall again determine whether the final plat conforms to the approved plan and other provisions of this chapter and applicable laws. If the City Planning official and City Engineer do not approve the plat, the applicant shall be advised of the changes or additions that must be made and shall afford a reasonable opportunity (not to exceed 30 days) to make the changes or additions. If the plat does conform and supplemental documents and provisions for required improvements are satisfactory, the City Planning official will sign and recommend signatures by the Public Works Director, Planning Commission Chair and Mayor.*

*(2) No final plat for a proposed subdivision shall be approved unless it is found to comply with the following minimum standards. (O.R.S. 92.090 (3))*

*(a) The final plat is found to be in compliance with the tentative plan approval and all conditions set forth thereby.*

*(b) Streets and roads for public use are dedicated without any reservations or restrictions.*

(c) *Streets and roads held for private use are clearly indicated.*

(d) *The plat contains a dedication to the public of all common improvements and public uses proposed or required as a condition of approval of the tentative plan, including but not limited to streets, roads, parks, sewage disposal, and water supply.*

(e) *Explanations of restrictions required as a condition of approval shall be recorded and referenced on the final plat.*

(f) *All proposed or required improvements have either been completed or approved by the city and a maintenance surety bond has been executed under section 153.199 or a bond, contract or other assurance of improvements has been executed per section 153.197.*

**Finding 8:** The final plat shall conform to the tentative plan and include all new and existing easements and right-of-ways. The partition shall be platted in accordance with ORS chapter 92 and include any of the applicable requirements above.

**Criteria: 153.195 ACCESS MANAGEMENT.**

(B) *Access management techniques and considerations. In the review of all new development, the reviewing authority shall consider the following techniques or considerations in providing for or restricting access to certain transportation facilities.*

(1) *Access points to arterials and collectors may be restricted through the use of the following techniques.*

(a) *Restricting spacing between access points based on the type of development and the speed along the serving major collector or arterial.*

(b) *Sharing of access points between adjacent properties and developments.*

(c) *Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.*

(d) *Constructing frontage or marginal access roads to separate local traffic from through traffic.*

(e) *Providing service drives to prevent spill-over of vehicle queues onto adjoining roadways.*

(f) *Requiring internal circulation with adjoining lots for pedestrians and vehicles (Internal Parcel Circulation) to avoid additional access points and unnecessary trips on and off the public street.*

(C) *General access management guidelines. In the review and approval of new developments, the reviewing authority shall consider the following guidelines.*

(1) *Minimum spacing between driveways and/or streets:*

*Major arterial 500 feet*

*Minor arterial 300 feet*

*Major Collector 50 feet*

*Minor Collector access to each lot*

*Local streets access to each lot*

**Finding 9:** In review of this application the City would prefer to limit the access onto NW 2<sup>nd</sup> Street and keep access at least 50 feet from the intersection. There are currently two existing access points on NW 2<sup>nd</sup> Street. One access was the primary access of the trailer park, which is more than 50 feet from the intersection and is proposed to be utilized as a joint access point for two of the parcels. The other access point is closer to the intersection and shall be removed and replaced with sidewalk to match existing. Meadow Lakes is a local street where the access is proposed to be at least 50 feet from the intersection. As proposed the City approves of the access plan, any changes to this plan will require additional review by the City Engineer.

**Recommended Conditions of Approval:** If approved the following conditions are recommended for application **LP-2016-100** to allow a partition for the purpose of building residential duplexes in a C2 zone. 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:

## **RECOMMENDED CONDITIONS OF APPROVAL**

### **General Conditions:**

1. Prepare the final plat in accordance with Oregon State law regarding partitions. Submit the final map to the City of Prineville for approval and signature. A final partitioning map shall be prepared by a licensed professional and recorded within 1 year of this approval or the partition shall be deemed void.

### **Prior to signing final Plat:**

2. The partition shall be platted to conform to the intent of the tentative plan and to ensure that the proposed development of duplexes can meet all setbacks, drainage, frontage, utility and access requirements as specified in the R2 zone.
3. The NW 2<sup>nd</sup> Street access point shall be constructed to properly align with the joint access easement for the two interior parcels. The second access on NW 2<sup>nd</sup> Street shall be removed and replaced with a sidewalk to match existing. All required infrastructure shall be constructed to City standards or bonded for prior to signing the final plat.
4. The applicant shall dedicate all proposed right-of-way as shown in the tentative plan. 10.5 feet on NW 2<sup>nd</sup> Street and 5 feet on Meadow Lakes Dr.
5. The applicant shall pay the final plat fee.

### **With new construction:**

6. Any Development on the newly created parcels needing water or sewer is required to connect to the City's municipal water and sewer system.
7. Upon development, all the costs associated with extending water, sewer and other utilities shall be the responsibility of the applicant.
8. All applicable connection fees and System Development Charges (SDCs) shall be paid concurrent with any building permit. Credits toward SDCs for the previous trailer park shall be initially assessed on the first duplex then the second and third if credits remain.
9. A Site Plan Application and approval is required prior to the construction of any new structures on the subject properties.
10. With residential development, any proposed fencing along NW 2<sup>nd</sup> Street or Meadow Lakes Dr. shall be no taller than 4 feet and meet clear vision standards.

**Ongoing land owner responsibility:**

11. Any future land division that attempts to create more than three parcels from the original parcel partitioned in this application within a calendar year will be considered a subdivision and the applicant will be subject to those portions of City Ordinance regarding application procedures relevant to proposed subdivisions.
12. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances.

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

Written by:



Joshua Smith  
Senior Planner