



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

HEARING DATE: December 7th, 2021

PROJECT NUMBER: SUB-2021-101

OWNER/APPLICANT: Ironhorse Development, LLC.
409 NW Franklin Ave
Bend, OR 97703

ENGINEER: AKS Engineering & Forestry
2777 NW Lolo Dr, Ste. 150
Bend OR 97703

PROJECT REVIEWERS: Joshua Smith Casey Kaiser
Planning Director Senior Planner

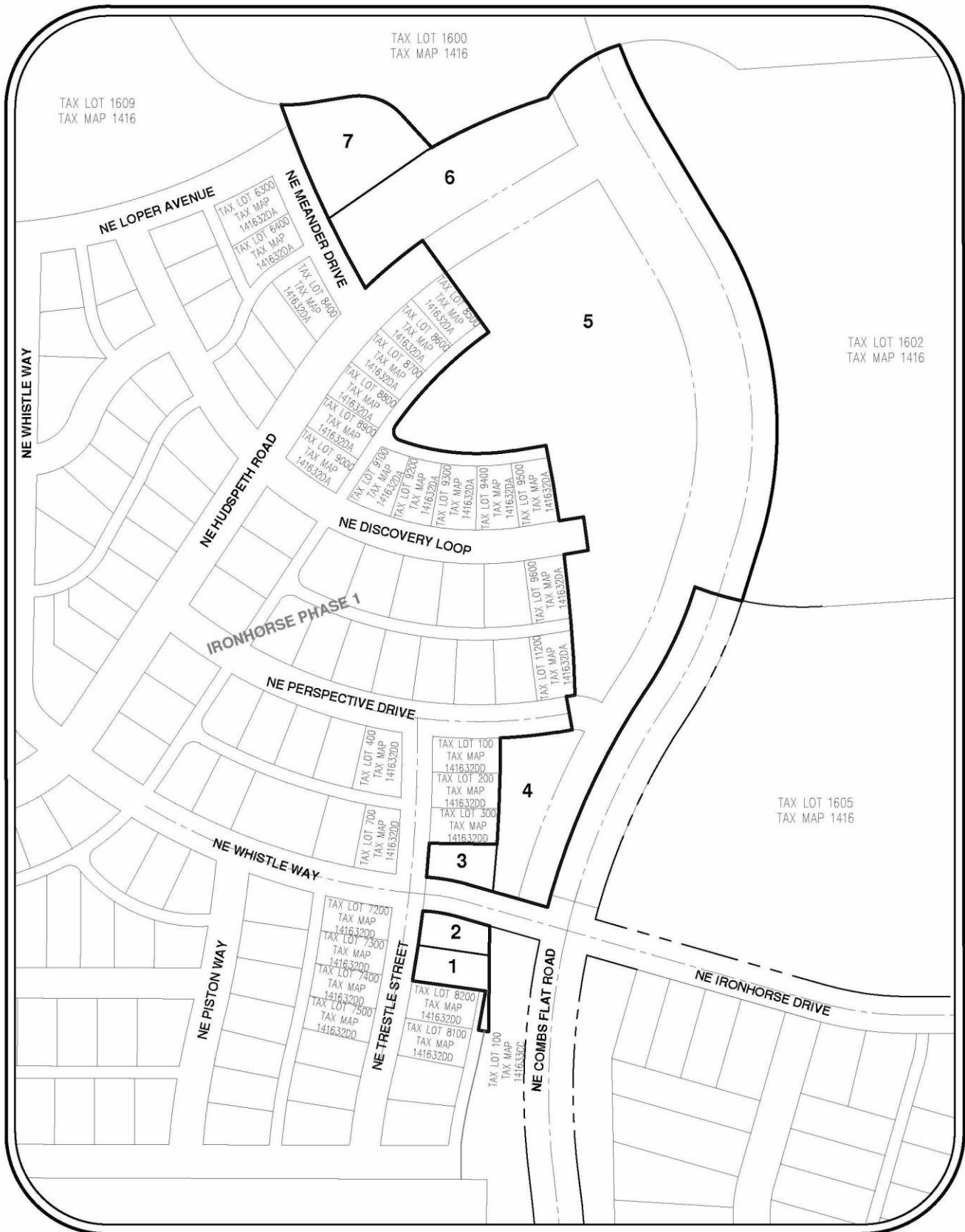
APPLICABLE CRITERIA:

(1) City of Prineville Code of Ordinances, Title XV, Sections – 153.009, 153.014, 153.035, 153.036, 153.046, 153.051, 153.080 – 153.096, 153.135 - 153.138, 153.155 – 153.157, 153.159, 153.164, 153.190 – 153.200.

FINDINGS OF FACT:

1. **PROPOSAL:** The applicant is proposing a 7 lot residential subdivision built to create new lots for future homes, permanent open space, rights-of-way for future City street extensions and Ochoco Irrigation District facilities and plan for future subdivision.
2. **LOCATION:** East of the Ironhorse 1 phase 1 subdivision and west of the proposed extension of Combs Flat Road.
3. **LOT OF RECORD:** The property is a legal lot of record based on a boundary line adjustment, planning application BA-2020-101, County Survey 4462.
4. **ZONING:** The subject property is zoned R2 (General Residential).
5. **Related Approvals:** SUB-05-707(ODP), SUB-05-06-710 (original Subdivision), LP-2010-101 (north half), MOD-2013-101 (ODP update), LP-2013-102 (School), LP-2015-100 (Lodge), BA-2016-103 (City), MOD-2017-100 (ODP update), LP-2017-101 (separate areas), LP-2020-100 (separate areas), BA-2020-101 (consolidate areas), LC-2021-107 (combine open space).
6. **SITE DESCRIPTION:** This area is best described as the left over portion of the original Ironhorse Phase 1 subdivision. It was left this way at the time, because plans for the canal and Combs Flat Road had not been finalized. With the current plan to pipe the canal and extend Combs Flat road, it has become necessary to finalize the rights-of-way, open space and future development plans for the area. See the proposed tentative map and 2020 aerial image with the properties highlighted below.

Ironhorse Subdivision
SUB-2021-101



SITE MAP
SCALE: 1" = 150'





7. **COMMENTS:** Written notice was provided 20-days prior to the hearing to neighboring property owners within 100ft. Notice was provided to other agencies and departments electronically, through the development review committee (DRC) e-mail list. Notice was published in the local newspaper 10-days prior to the hearing. Comments were made by the City with regard to right-of-way-dedications and access to the future extension of Combs Flat Road. These issues are discussed further in this report and will be worked out prior to final plat. No written or verbal comments were received from neighboring properties prior to the completion of the staff report on Nov. 30th, 2021.
8. **FINDINGS SUMMARY:** The tentative plans submitted by the applicant and the improvements depicted therein are the foundation of this approval. The applicant shall complete the project in a manner consistent with the plans and documents submitted as part of this application or as modified in the conditions of the final decision and in compliance with the requirements of the City's standards and specifications, Ironhorse Outline Development Plan (ODP) and City land use code. The proposal is compatible with the Comprehensive Plan by providing for needed housing, orderly development and economic growth. All 7 proposed lots meet the dimensional standards of the zone. The rights-of-way for the future extensions of Combs Flat Road, Hudspeth Road and Perspective Drive will be dedicated with this subdivision. The Combs Flat Road extension is planned to be constructed by the City in coordination with the Ochocho Irrigation District's (OID) canal piping project. Lots 5, 6 & 7 are intended to be subdivided further once the canal is piped. The applicant has provided a design "shadow plat" demonstrating how those lots may develop in the future meeting the minimum dimensional and density requirements of the zone.

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: 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. The applicant shall plat the subdivision to City, County and State standards and meet 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.*

(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.*

Finding 2:

A) The proposal is compatible with the Comprehensive Plan by providing for needed housing, orderly development and economic growth.

B) The proposal is regulated by the Ironhorse outline development plan (ODP) first approved in 2006 and later updated in 2013 and 2017. This proposed subdivision is generally consistent with the updated 2017 ODP, however the ODP has some gaps in this area due to the change in the school location from the original plan and the current design of the piped canal and Combs Flat Road extension. There is a section of open space designation on the ODP between Discovery Loop and Whistle Way. With the current design for Combs Flat Road and the canal piping, the City has asked for an additional 50ft. of ROW for a total of 130ft. This 50ft. dedication is for the canal piping and a trail system that will essentially become the open space in this area. Lot 4 will also be designated as open space

and deeded to the HOA. All other area will be used for street extensions and residential lots. Staff agrees with the applicant that this meets with the intent of the ODP.

C) The City is not aware of any approvals or permits from other local, state and/or federal agencies.

D) The proposed use complies with subdivision standards (City Code 153.157) and limitations of the R2 zone or can comply through conditions of approval.

E) The proposal has been reviewed by the City Engineer and is not expected to exceed carrying capacity with regard to sewer, water and traffic.

F) Any future use of this property shall comply with local, state or federal pollution standards. If it is identified that such standards are being exceeded, measures shall be taken to bring the use back into compliance.

Criteria: 153.035 RESIDENTIAL USE TABLE

Subdivisions (4 or more lots): Conditional use Type 2

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 7 lot subdivision is defined as a type 2 conditional use in the residential use table. As such this subdivision is required to be reviewed by the Planning Commission through a public hearings process, which is scheduled for December 7th, 2021.

Criteria: 153.036 RESIDENTIAL DIMENSIONAL STANDARDS

Minimum lot area (public water and sewer required)

R2	-	Single family dwelling/duplex	5,000sf
	-	Min. Net Density for Subdivisions ¹	4/acre

Minimum Street Frontage (ft.):

Standard Street:	50	Cul-de-sac:	35
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Finding 4: All 7 proposed lots meet the dimensional standards of the zone. Lots 5, 6 & 7 are intended to be subdivided further once the canal is piped. The applicant has provided a design of how those lots may develop in the future meeting the minimum dimensional and density requirements for the zone.

Criteria: 153.135 AUTHORIZATION TO GRANT OR DENY.

Uses designated in this chapter as conditional uses may be permitted, enlarged or otherwise altered when authorized in accordance with the standards and procedures set forth in this chapter. In the case of a use existing prior to the effective date of this chapter, a change in use, enlargement or alteration of such use shall conform to the provisions of a conditional use if so classified. An application for a conditional use may be approved, modified, approved with conditions or denied by the designated reviewing authority.

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 5: The proposed subdivision meets the basic standards for lot size, street frontage, water and sewer connections and public street design. It is understood that lots 5, 6 & 7 are essentially remainder lots that will subdivide further once the canal is piped.

A) This section does not apply to a residential subdivision.

B) Staff does not recommend any special setbacks. The proposed park area, may use a portion of the ROW up to the trail for landscaping and buffering once the road is built and the canal is piped. The original Combs Flat design in the ODP has a landscaped buffer intended to be maintained by the HOA as with the other streets in the development. This will be discussed further with the redevelopment of lots 5, 6 & 7 to provide a landscaped buffer along the west side of Combs Flat road.

C) Height, size and location of future homes are controlled by the City's site plan review process.

D) The applicant will be dedicating all streets and constructing all utilities within the subdivision to City standards. As proposed, no additional infrastructure should be needed other than potential service connections to serve lots 1-4. Lots 4-7 will dedicate ROW to Hudspeth Road, Discovery Loop, Perspective Drive and Combs Flat Road, but will construct these streets and utility extensions with future subdivision of those lots as generally shown in this proposal. The Combs Flat Road extension is planned to be constructed by the City in coordination with the Ochoco Irrigation District's canal piping project.

E) All proposed lots will have frontage and access onto existing City streets.

F) This section does not apply to a residential subdivision.

- G) As stated in section B above, a landscaped buffer along the west side of the future Combs Flat road extension will be discussed with future division of lot 5, 6 & 7.
- H) The proposed subdivision is devoid of any vegetation, natural resources or scenic value.

Criteria: 153.157 SUBDIVISIONS-APPLICATIONS.

(A) Application. Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the City Planning Department. The application shall be accompanied with ten copies of either an outline development plan as provided for in division (B) of this section, or a tentative plan as set forth in division (C) of this section, together with improvement plans and other supplementary material as may be required, and the appropriate filing fee as established by the City Council. The date of filing shall be construed to be the date on which all of the foregoing materials are received and accepted by the appropriate city official.

Finding 6: The applicant submitted an application in accordance with these requirements.

Criteria: (I) Requirements for approval. The Commission shall not approve an outline development plan or a tentative plan for a subdivision unless the Commission finds, in addition to other requirements and standards set forth by this chapter and other applicable city ordinances, standards and regulation, the following:

(1) The proposal is in compliance with ORS Chapter 92, applicable goals, objectives and policies set forth by the city's Comprehensive Plan, Master Plans, Standards and Specifications and applicable zoning. (O.R.S. 197.175(2)(b) and 227.175 (4)) (O.R.S. 92.090(2)(C))

(2) Each lot 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 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) The subdivision will not create an excessive demand on public facilities and services required to serve the proposed development, or that the developer has proposed adequate and equitable improvements and expansions to the facilities with corresponding approved financing therefore to bring the facilities and services up to an acceptable capacity level (Goal 11).

(5) The development provides for the preservation of significant scenic, archaeological, natural, historic and unique resources in accordance with applicable provisions of this chapter and the Comprehensive Plan (Goal 5).

(6) The proposed name of the subdivision is not the same as, similar to or pronounced the same as the name of any other subdivision in the city or within a 6 mile radius thereof, unless the land platted is contiguous to and platted as an extension of an existing subdivision. (O.R.S. 92.090)

(7) The streets and roads are laid out so as to conform to an adopted transportation system plan for the area, and to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interest to modify the street or road pattern. (O.R.S. 92.090(2)(a))

(8) Streets and roads for public use are to be dedicated to the public without any reservation or restriction; and streets and roads for private use are approved by the city as a variance to public access requirements. (O.R.S. 92.090(2)(b))

(9) 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.

(10) 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.

(11) Provisions of the proposed development to provide for a range of housing needs, particularly those types identified as needed or being in demand. (Goal 10 and O.R.S. 197.303-307)

(12) Provisions for open space, parks and recreational areas shall be provided for in accordance with Section 153.193 (Land for Public Purpose).

Finding 7:

1 & 3) Infrastructure improvements have already been constructed “to and through” each lot in the proposed subdivision with the exception of lot 5 that is classified as a remainder lot and will be required to extend services “to and through” with future development or land division. The layout of the subdivision meets the standard criteria.

2) All lots are suited for their intended purpose. Lots 1-3 are being created for single family housing. Lot 4 is being designated as open space and deeded to the HOA. Lots 5-7 are intended to be subdivided further based on the submitted plans, but will maintain guaranteed access to public streets and utilities with this subdivision.

4) The City Engineer has reviewed the proposal and has determined this development will not create an excessive demand on public facilities. Public facilities to serve these lots have been constructed with the previous subdivision.

5) The proposed subdivision is devoid of any significant scenic, archaeological, natural, historic and unique resources

6) This subdivision is a phase of the Ironhorse subdivision. The name will be determined by the County surveyor.

7) The streets and proposed ROW dedications are laid out consistent with the previous subdivision and current design for the Combs Flat Road extension. The connection of Perspective Drive to Combs Flat Road is yet to be determined. The ROW will be dedicated for utilities and pedestrian access, but the road may end in a fire approved turnaround.

8) The proposed rights-of way will be dedicated to the City without reservation.

9) There are no identified measurable adverse impacts on neighboring properties resulting from the proposed subdivision. The intent of this subdivision is to finalize a plan to complete the neighborhood that will be part of the same HOA.

10) Access to abutting properties are proposed through trail connections and ROW dedications.

11) This subdivision is proposing single family housing consistent with the ODP. Currently the State of Oregon considers all types of housing, needed housing.

12) This subdivision is part of the Ironhorse development and ODP. As stated in Finding 2, staff finds the proposed subdivision is meeting the intent of the designated open space in the ODP with the lot 4 open space and the additional ROW dedication to Combs Flat Road. The City also purchased an approximately 400 acre portion of the ODP to be used for the Barnes Butte Recreation area that is not currently identified in the ODP. As proposed staff finds the applicant is meeting the minimum parks and open space requirement.

Criteria: (j) Improvement requirements. In the approval of any subdivision, the need for a survey and the need for street and other public facility improvements shall be required as a condition of approval. Streets and roads for private use are approved by the city as a variance to public access requirements. (ORS 92.090(2)(b))

(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 subdivision 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 subdivision, unless otherwise approved by the city due to the following:

(a) Phased development.

(b) 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.

(K) Final plat approval. The submission of a final plat shall follow the requirements set forth in 153.164.

Finding 8:

- 1) Access to abutting properties are proposed through trail connections and ROW dedications.
- 2) At this time no agreements are anticipated to be needed. ROW dedications and open space designations will be made on the face of the plat.
- 3) Existing and proposed street ROWs are consistent with the approved ODP and previous subdivision approvals. Additional ROW is being dedicated based on the design for the Combs Flat Road extension.
- 4) The submitted tentative plans and improvements depicted therein are the foundation of this approval, not all improvements will be specifically listed in this report. The applicant will be dedicating all street rights-of-way and constructing all utilities within the subdivision to City standards. As proposed, no additional infrastructure should be needed other than potential service connections and private utilities to serve lots 1-4. Lots 4-7 will dedicate ROW to Hudspeth Road, Perspective Drive and Combs Flat Road, but will construct these streets and utility extensions with future subdivision of lots 5-7 as generally shown in the "shadow plat" of this proposal. The Combs Flat Road extension is planned to be constructed by the City in coordination with the Ochoco Irrigation District's (OID) canal piping project.
- 5) All proposed lots will have existing public utilities available to each lot within the existing ROW or through easements proposed in this subdivision.
- 6) Paved access is currently available to each proposed lot.
- 7) Future development is required to be connected to City water and sewer.

K) If any agreements are required through the approval process they shall be recorded in accordance with this item. A final plat shall be required in accordance with section 153.164. Any conditions of approval identified as being required prior to final plat shall be completed or have assurances in place before receiving an authorized signature from a City representative.

Criteria: 153.191 LOTS AND BLOCKS.

(A) **Blocks.** *The resulting or proposed length, width and shape of blocks shall take into account the requirements for adequate building lot sizes, street widths, access needs and topographical limitations.*

(1) *No block shall be more than 1,000 feet in length between street corner lines unless it is adjacent to an arterial street, or unless topography or the location of adjoining streets justifies an exception, and is so approved by the reviewing authority.*

(2) *The recommended minimum length of a block along an arterial street is 1,800 feet.*

(3) *A block shall have sufficient width to provide for 2 tiers of building sites unless topography or the location of adjoining streets justifies an exception; a standard exception is a block in which the building lots have rear yards fronting on an arterial or collector street.*

(B) **Lots.** *The resulting or proposed size, width shape and orientation of building lots shall be appropriate for the type of development, and consistent with the applicable zoning and topographical conditions.*

(C) **Access.** *Each resulting or proposed lot or parcel shall have legal access and abut or front upon a public street, other than an alley, for a width of at least 50 feet or 35 feet in the case of a cul-de-sac.*

(D) **Side lot lines.** *The side lines of lots and parcels, as far as practicable, shall be perpendicular to the street upon which they front; or radial to the curve as applicable.*

(E) **Division by boundary, ROW and drainage ways.** *No lot or parcel shall be divided by the boundary line of the city, county or other taxing or service district, or by the right-of-way of a street, utility line or drainage way or by an easement for utilities or other services, except as approved otherwise.*

(F) **Flag Lots.** *The intent of a flag lot or lots is to promote infill in residential areas but not disrupt the existing nature of the neighborhood. It is also to provide dedicated public street access for these infill lots while avoiding the need for joint access easements that lead to neighbor disputes. Flag lots may be created by a boundary line adjustment, partition or subdivision with the following limitations:*

(G) **Through or double-frontage lots and parcels.** *Through or double-frontage lots and parcels are to be avoided whenever possible, except where they are essential to provide separation of residential development from major traffic arterials or collectors and from adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. When through or double-frontage lots or parcels are desirable or deemed necessary, a planting screen easement of at least four to six feet in width, and across which there shall be no right of vehicular access, may be required along the line of building sites abutting such a traffic way or other incompatible uses.*

(H) **Special building setback lines.** *If special building setback lines, in addition to those required by the applicable zoning, are to be established in a development, they shall be shown on the final plat of the development and included in the deed restrictions.*

(I) **Large building lots; redivision.** *In the case where lots or parcels are of a size and shape that future redivision is likely or possible, the Commission may require that the blocks be of a size and shape so that they may be redivided into building sites, and the development approval and site restrictions may require provisions for the extension and opening of streets at intervals which will permit a subsequent redivision of any tract of land into lots or parcels of smaller sizes than originally platted.*

Finding 9:

(A) The proposed subdivision does not exceed 1000 feet between intersections. The future division of lot 5 will include double frontage lots. This is due to the restriction of access onto the future extension of Combs Flat Road, which is classified as a major collector.

- (B) The proposed lots are of sufficient size and orientation for their intended residential use of single family homes on lots 1-3. The applicant has “shadow platted” lots 5-7 to show how these lots may subdivide further.
- (C) Each proposed lot abuts a public right-of-way with frontage of at least 50 feet or 35 within a cul-de-sac.
- (D) All proposed lot lines are perpendicular to the street or radial to a curve.
- (E) The lots proposed are not additionally divided by jurisdictional boundary, easement or right-of-way.
- (F) No flag lots are proposed with this plat. Flag lots may be proposed with future division of lot 5 as shown in the “shadow plat”.
- (G) The future division of lot 5 will include double frontage lots. This is due to the restriction of access onto the future extension of Combs Flat Road, which is classified as a major collector.
- (H) Staff does not recommend any special building setbacks.
- (I) Future division of lots 5-7 is proposed by the applicant. The applicant has provided a “shadow plat” of how this may be possible while meeting City land use code. This criteria has been met.

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 10:

- (A) All public utilities will be provided within public rights-of-way and public utility easements as shown on the submitted plans.
- (B) The subdivision is not traversed by a water course.
- (C) Bicycle lanes are not required on the proposed local streets.
- (D) All sewer and water lines are within City rights-of-way.

Criteria: 153.194 STREETS AND OTHER PUBLIC FACILITIES.

- (A) Duties of developer. It shall be the responsibility of the developer to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, gas, telephone cable, and other utilities necessary to serve the use or development in accordance with the Standards and Specifications of the city and/or the serving entity.
- (B) Underground installation of utility lines. All electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.

(C) **Location, width, and grade of streets.** The location, width and grade of streets shall be considered in their relationship to existing and planned streets, to topographical conditions, to public convenience and safety and to the proposed use or development to be served thereby.

(D) **Traffic circulation system.** The overall street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain of the development and the area, per the City's Standards and Specifications.

(E) **Street location and pattern.** The proposed street location and pattern shall be shown on the development plan, and the arrangement of streets shall:

(1) Provide for the continuation or appropriate projection of existing principal streets to surrounding areas; or adjacent lots.

(2) Conform to a plan for the general area of the development approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical; and

(3) Conform to the adopted urban area transportation system plan as may be amended.

(F) **Minimum right-of-way and roadway widths.** Unless otherwise approved in the tentative development plan, street, sidewalk and bike rights-of-way and surfacing widths shall not be less than the minimum widths set forth in the City's Standards and Specifications. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be dedicated at the time of land division or development."

(G) **Alignment.** All streets, as far as practicable, shall be in alignment with existing streets by continuations of the center lines thereof. Necessary staggered street alignment resulting in intersections shall, wherever possible, leave a minimum distance of 200 feet between the center lines of streets of approximately the same direction, and in no case shall the off-set be less than 100 feet.

(H) **Future street extensions.** Where necessary to give access to or permit future subdivision or development of adjoining land, streets shall be extended to the boundary of the proposed development or subdivision.

(I) **Intersection angles.** Streets shall be laid out to intersect at angles as near to right angles as practicable, and in no case shall an acute angle be less than 80 degrees unless there is a special intersection design approved by the City Engineer. Other streets, except alleys, shall have at least 50 feet of tangent adjacent to the intersection, and the intersection of more than two streets at any one point will not be approved.

(J) **Inadequate existing streets.** Whenever existing streets, adjacent to, within a tract or providing access to and/or from a tract, are of inadequate width and/or improvement standards, additional right-of-way and/or improvements to the existing streets may be required.

(K) **Cul-de-sacs.** A cul-de-sac shall terminate with a circular turn around with a minimum paved surface and right-of-way determined by the City's Standards and Specifications or Fire Code whichever is greater.

(L) **Marginal access streets.** Where a land development abuts or contains an existing or proposed arterial street, the city may require marginal access streets, reverse frontage lots with suitable depth, screen-plantings contained in a non-access reservation strip along the rear or side property line or other treatments deemed necessary for adequate protection of residential properties and the intended functions of the bordering street, and to afford separation of through and local traffic.

(M) **Streets adjacent to railroad or canal right-of-way.** Whenever a proposed land development contains or is adjacent to a railroad or main canal right-of-way, provisions may be required for a street approximately parallel to the ROW at a distance suitable for the appropriate use of land between the street and the ROW. The distance shall be determined with consideration at cross streets of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting or other separation requirements along the ROW.

(N) **Reserve Strips.** Reserve strips or street plugs controlling access to streets shall not be approved.

(O) **Half streets.** Half streets, while generally not acceptable, may be approved where reasonably essential to a proposed land development, and when the Commission or other reviewing authority finds it will be practical to require dedication and improvement of the other half of the street

when the adjoining property is developed. Whenever a half street exists adjacent to a tract of land proposed for development, the other half of the street shall be dedicated and improved.

(P) Streets. All street design criteria shall conform to the City's Standards and Specifications and State design Standards as determined by the City Engineer.

(Q) Street names. Except for the extension of existing streets, no street names shall be used which will duplicate or be confused with the name of an existing street in the city or within a radius of six miles of the city or within the boundaries of a special service district such as fire or ambulance.

(R) Street name signs. Street name signs shall be installed at all street intersections by the developer in accordance with applicable city, county or state requirements. One street sign shall be provided at the intersection of each street, and two street signs shall be provided at four-way intersections.

(S) Traffic control signs. Traffic control signs shall be provided for and installed by the developer as required and approved by the appropriate city, county and/or state agency or department.

(T) Alleys. Alleys are not necessary in residential developments, but should and may be required in commercial and industrial developments unless other permanent provisions for access to off-street parking and loading facilities are approved by the city.

(U) Curbs. Curbs shall be required on all streets in all developments and with all new commercial and multifamily construction. Curbs shall be installed by the developer in accordance with the City's Standards and Specifications unless otherwise approved by the city.

(V) Sidewalks. Unless otherwise required in this chapter or other city ordinances or other regulations, sidewalks shall be required as set forth hereinafter on all streets in all developments and with all new commercial and multifamily construction. In lieu of these requirements, however, the reviewing authority may approve a development without sidewalks if alternative pedestrian routes and facilities are provided.

(1) All streets. In general all streets shall have sidewalks at a minimum of 5 feet in width in residential and industrial areas and 8 feet in width in commercial areas unless otherwise provided for in the applicable zone or conditional use approval.

(W) Bike lanes. Unless otherwise required in this chapter or other city ordinances or other regulations, bike lanes shall be required as follows, except that the Planning Commission may approve a development without bike lanes if it is found that the requirement is not appropriate to or necessary for the extension of bicycle routes, existing or planned, and may also approve a development without bike lanes in the streets if alternative bicycle routes and facilities are provided.

(1) Local streets. Bike lanes may be required on local streets, and if required shall not be less than 5 feet in width for one-way bike lanes and 8 feet in width for two-way bike lanes.

(2) Collector streets. Bike lanes are required on both sides of collector streets, and shall not be less than 6 feet in width.

(3) Arterial streets. Bike lanes are required on both sides of arterial streets, and shall not be less than 6 feet in width.

(X) Street lights. Street lights may be required and, if so required, shall be installed by the developer in accordance with standards set forth by the city and the serving utility company.

(Y) Utilities. The developer shall make necessary arrangements with the serving utility companies for the installation of all proposed or required utilities, which may include electrical power, natural gas, telephone, cable television and the like.

(Z) Drainage facilities. Drainage facilities shall be provided as required by the City's Standards and Specifications.

Finding 11:

(A) The submitted tentative plans and improvements depicted therein are the foundation of this approval, not all improvements will be specifically listed in this report. The applicant will be dedicating all street rights-of-way and constructing all utilities within the subdivision to City standards. As proposed, no additional infrastructure should be needed other than potential service connections and private utilities to serve lots 1-4. Lots 4-7 will dedicate ROW to Hudspeth Road, Perspective Drive and Combs Flat Road, but will

construct these streets and utility extensions with future subdivision of lots 5-7 as generally shown in the “shadow plat” of this proposal. The Combs Flat Road extension is planned to be constructed by the City in coordination with the Ochoco Irrigation District’s (OID) canal piping project.

(B) It is a standard Condition of Approval to require all new utility lines to be placed underground.

(C, D, E, F) All street ROW dedications proposed with this subdivision are following planned extensions. Staff finds that the proposed rights-of-way and traffic circulation system is sufficient. The connection of Hudspeth Road to Combs Flat and the turnaround for Perspective Drive will be determined with final design of the Combs Flat Road extension, to ensure they can be built and function properly. Extensions of alleys and Discovery loop into lot 5 will be determined with future division of that property.

(G), (H) All proposed street rights-of-way are in alignment with existing streets and proposed extensions for future subdivisions on lots 5-7.

(I, J) All streets are proposed to connect at right angles.

(K) The proposed cul-de-sacs shall meet City and fire department standards.

(L) No marginal access streets are proposed.

(M) Proposed street rights-of way will be adjacent to a future irrigation pipe that will parallel the future extension of Combs Flat Road. The piping and Combs Flat extension projects are being managed by the City and OID. This subdivision and future division of lots 5-7 are coordinating with those plans.

(N) There are no reserve strips proposed in this subdivision.

(O) No half streets are proposed with this development.

(P) The proposed right-of-way widths are in compliance with the ODP and City standards.

(Q) This subdivision does not require new streets or names, however the proposed future division of lot 5 may require “Discovery Loop” to change its extension to “Court” as it will no longer meet the criteria for a loop.

(R), (S) This section is not applicable. All streets serving the proposed lots are built.

(T) No alleys are proposed with this subdivision. Future division of lot 5 will extend alleys as needed.

(U), (V), (W), (X) The applicant is required to construct all public improvements and other utilities necessary to serve the proposed lots to City standards.

(Y) It shall be the responsibility of the applicant/developer to make arrangements with utility companies for installation of all utilities.

(Z) Drainage facilities shall be constructed to City standards. All lots shall maintain their drainage on-site. No additional street drainage facilities are needed with this subdivision.

Recommended Conditions of Approval:

If approved by the Planning Commission, the following conditions are recommended for application SUB 2021-101. Such recommendation is subject to the “standard” conditions of approval relevant to Conditional Use Permits, Subdivisions, those conditions outlined in the findings section of this report and those conditions of approval set forth below:

General Conditions:

1. The tentative plans submitted by the applicant and the improvements depicted therein are the foundation of this approval. The applicant shall complete the project in a manner consistent with the plans and documents submitted as part of this application or as modified in the conditions of the final decision and in compliance with the requirements of the City's standards and specifications and land use code.
2. The development and any future use shall comply with the Fire Department requirements for access, fire flows, sprinkler systems, fire hydrants, address signs and Knox Box locks and all other UFC requirements. The applicant shall coordinate with the Crook County Rural Fire and Rescue in this endeavor.
3. All utilities shall be placed underground.
4. The development and any future use shall comply with all local, state and federal laws and any required permits shall be obtained by the applicant.

Prior to signing final plat:

5. All Public infrastructure including streets, water, sewer and other utilities such as power, phone, cable, gas etc., shall be constructed "to and through" each lot in the subdivision to City Standards and Specifications. All infrastructure shall be reviewed and approved by the City Engineer and constructed or bonded for prior to signing the final plat.
6. The owner/applicant shall dedicate the street rights-of-way as shown on the tentative plan or modified to fit with the final design of the Combs Flat Road extension. More specifically, the areas of the Hudspeth intersection with Combs Flat Road and the termination of Perspective Drive have yet to be finalized.
7. Lot 4 shall be designated as open space and noted as such on the face of the plat, similar to other open space lots in the Ironhorse development.

Prior to building permit:

8. Applicant shall secure any and all City, County & State permits required for the proposed development prior to use.
9. All future development shall pay applicable system development charges (SDCs) and connect to the City's sewer and water system.

On-going/Future Responsibilities:

10. The applicant shall comply with all relevant portions of the City of Prineville Code of Ordinances.

Date this 30th day of November, 2021

Written by: Joshua Smith, Casey Kaiser,
 Planning Director Senior Planner

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.