

The Reserve at Ochoco Creek

Prineville, Oregon

A Land Use Application For:
Boundary Line Adjustment
Type II Conditional Use
Design Review
Major Variance

Submitted: March 11, 2022

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Exhibits

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- B. Pre-Application Conference Notes
- C. FEMA CLOMR (In-Process)
- D. Plan Set
- E. Landscape Plan

- F. Lighting Cut Sheet
- G. Architectural Plans
- H. Traffic Impact Analysis
- I. Title Reports
- J. BLA Legal Description
- K. ODOT Access Permit (In-Process)

1.0 Introduction

General Information

Applicant and Owner:	Reserve at Ochoco Creek, LLC Prineville Cottages, LLC Dba Creations Northwest, LLC 14020 SE Johnson Road, Suite 102 Milwaukie, OR 97267 Contact: Bob Sanders Phone: 503.908.0563 Email: Bob@htipllc.com
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Landscape Architect:	DOWL 8410 154 th Avenue NE, Suite 120 Redmond, WA 98052 Contact: Ben Hughes Phone: 425.406.7131 Email: bhughes@dowl.com
Site Location:	NW Madras Highway (US 26), Prineville, OR 97754 (no address)
Tax Lot ID Number:	141536A0-01600 141536A0-01700
Zoning:	General Residential (R-2)
Comprehensive Plan:	Residential

Site Areas: Tax Lot 1600 (Reserve at Ochoco Creek, LLC)
14.85 acres (after BLA)
Tax Lot 1700 (Prineville Cottages, LLC)
7.49 acres (after BLA)

2.0 Project Summary

Description of Proposal

Creations Northwest LLC, the applicant, is proposing a multi-family development on an expanded tax lot 141536A0-01600 by a requested property line adjustment, owned by Reserve at Ochoco Creek, LLC, and on a reduced tax lot 141563A0-01700, owned by Prineville Cottages, LLC. The development will include 328 dwelling units totaling approximately 188,600 square feet of residential living space. On the project site, there are 11 proposed 3-story apartment buildings that house 270 dwelling units on the expanded western tax lot (TL 1600) and 58 cottage-style and duplex-style dwelling units on the reduced eastern tax lot (TL 1700).

Associated site improvements including surface parking lot improvements, private utility connections, landscaping, recreational areas and open space, as well as and drainage improvements are also proposed. Vehicular access to the site will be provided from NW Madras Highway (US 26) via two driveways. Internal drive aisles and private roadways within the Ochoco Creek development site will provide access to the residential units. Pedestrian connections from the site to the adjacent walkway along US 26, as well as a proposed public walkway along Ochoco Creek, are also proposed.

In pursuit of the proposed development, a Boundary Adjustment, Type II Conditional Use, and Preliminary Plan Set and Design Review applications have been prepared to address the applicable design criteria. A more detailed discussion of each of the requested approvals is included below.

Type II Conditional Use

As the applicant is proposing a multi-family dwelling with more than 10 dwelling units within the R2 zone, a Type II Conditional Use permit is required per Prineville Development Code (PDC) 153.035. The proposed development also triggers a Preliminary Plan Set and Design Review application that has been submitted to be reviewed concurrently with the Type II Conditional Use. As previously mentioned, associated site improvements are also proposed, including parking lot improvements, private utility connections, landscaping, and drainage improvements. Approximately 472,570 square feet of landscape area and open space is proposed totaling roughly 49 percent of the total site area.

Boundary Adjustment

Per PDC 153.163 the applicant is submitting a boundary adjustment application. No additional lot or parcel will be created by the adjustment. The proposed boundary adjustment allows the applicant to better develop apartments on TL 1600 and cottage-style and duplex-style housing on TL 1700. A new Legal Description is attached as Exhibit J and Title Reports are attached as Exhibit I. The attached Preliminary Development Plan Set (Exhibit D) shows the two properties before and after the proposed boundary adjustment.

Existing Site Conditions

The proposed development is located within tax lots 141536A0-01600 and 141536A0-01700. These lots total approximately 971,388 square feet (22.30 acres) and are located to the west of NW Gardner Road along US 26 (major arterial). The project site is adjacent to Ochoco Creek on its northern boundary. The project site contains no existing structures. There are no existing site improvements.

The proposed development site is currently zoned General Residential (R-2) and is within the comprehensive plan designated Natural Features Overlay District (NFOD). Development is proposed on Tax Lot 1700 within a Federal Emergency Management Agency (FEMA) designated Special Flood Hazard Area (SFHA). The applicant is currently preparing a submittal to FEMA for a Conditional Letter of Map

Revision (CLOMR). The applicant understands that an application to FEMA for a Letter of Map Revision (LOMR) is required no later than six months after project completion. Uses surrounding the project site are identified in Table 1 below. A vicinity map and zoning map are included as Figures 1 and 2 within this narrative.

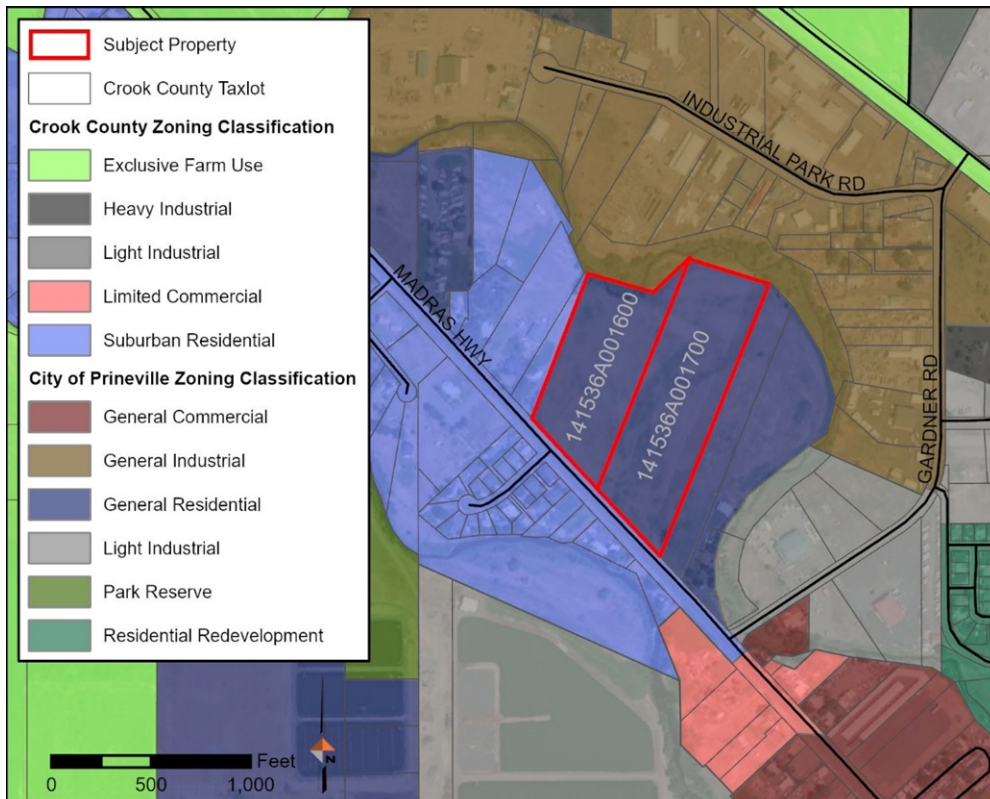
Table 1: Surrounding Uses

	Zoning	Use
North	Heavy Industrial (M-2)	City of Prineville, Ochoco Creek
South	Suburban Residential (SR-1)	Suburban residential, NW McDougal Court subdivision, single-family homes
East	General Residential (R-2)	Vacant
West	Suburban Residential (SR-1)	Suburban residential, single-family home on large parcel

Figure 1: Vicinity Map



Figure 2: Zoning Map



3.0 Prineville Land Development Code

The applicable City of Prineville Land Development provisions are set forth below with findings demonstrating the project's consistency with these standards.

Chapter 151 – Flood Damage Prevention

151.30 Site Improvements and Subdivisions

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

Response: The evidence presented in this application and throughout this section shows that the proposed development plans to meet reasonably safe flood standards by filling portions of the site to ensure buildings are elevated a minimum of 12 inches (one foot) above the base flood elevation.

(B) Building lots shall have adequate buildable area outside of regulatory floodways.

Response: As illustrated in the Preliminary Plan Set (Exhibit D), all buildings and associated site improvements are proposed outside of the regulatory floodway of Ochoco Creek.

(C) Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

Response: Crook County GIS identifies a base flood elevation between 2,846 and 2,847 feet for the proposed development site.

(D) Site improvements, subdivisions, and manufactured home parks shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize or eliminate damage and infiltration of floodwaters. Replacement public utilities and facilities such as sewer, gas, electric and water systems likewise shall be sited and designed to minimize or eliminate damage and infiltration of floodwaters.

Response: The development is proposing to modify the existing FEMA Zone AE Floodplain by placing fill material to bring the site above the base flood elevation. After filling, the proposed public utilities and water system will be located outside of the new proposed floodplain area.

(E) New and replacement on-site waste disposal systems and sanitary sewerage systems shall be located and constructed to avoid functional impairment, or discharges from them, during flooding.

Response: The proposed sanitary sewage system for the development will consist of a closed gravity conveyance system that will route flows to a private sewer lift station located in the south portion of the site. The proposed sanitary sewer systems and sewer lift station are located outside of the proposed floodplain area. The discharge from the sanitary sewer

lift station will connect to the existing gravity public sewer system within NW Madras Hwy.

(F) Subdivisions and manufactured home parks shall have adequate drainage provided to reduce exposure to flood hazards. In AO and AH zones, drainage paths shall be provided to guide floodwater around and away from all proposed and existing structures.

Response: The applicant does not propose a subdivision or manufactured home park. The proposed development is not in the AO or AH flood zones. Therefore, this provision is not applicable.

151.31 Regulatory Floodway

(A) Except as provided in subsection (C) of this section, encroachments, including fill, new construction, substantial improvements, fences or other development, are prohibited in the regulatory floodway unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge.

Response: The proposed development will not impact the regulatory floodway. The applicant is requesting a CLOMR from FEMA as part of a proposal to fill the SFHA so that the lowest adjacent grade of the structure is at or above the Base Flood Elevation (BFE).

(B) Upon demonstration of no other alternative, applicants shall obtain a conditional letter of map revision (CLOMR) from FEMA before an encroachment, including fill, new construction, substantial improvement, fences, or other development, in the regulatory floodway is permitted that will cause any increase in the base flood elevation.

Response: The proposed development will not impact the regulatory floodway. The applicant is requesting a CLOMR from FEMA as part of a proposal to fill the SFHA so that the lowest adjacent grade of the structure is at or above the Base Flood Elevation (BFE).

(C) Projects for stream habitat restoration may be allowed without certification by a registered professional civil engineer, provided:

Response: The applicant is not proposing any stream habitat restoration. Therefore, this provision is not applicable.

151.34 Specific Building Design and Construction Standards

(B) *Specific building design and construction standards for noncoastal residential construction (all A zones with base flood elevations).*

(1) New construction and substantial improvement of residential structures located in non-coastal flood zones shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation or three feet above highest adjacent grade where no BFE is defined; and

Response: The applicant anticipates completing engineered lifts to increase the elevation of the development site above the base flood elevation (BFE). Finished floor are expected to be 12 inches (1 foot) above the BFE. All mechanical and electrical utilities will be located above the BFE as well. Proposed grading plans included in Preliminary Plan Set (Exhibit D) and architectural drawings included as Exhibit G reflect this design.

151.35 Below-Grade Crawlspace

Response: The applicant is designing the apartment buildings with slab on grade first floor and will not have any crawl spaces. The proposed cottage-style and duplex-style housing are proposed to be built above the floodplain therefore this section is not applicable for those units.

151.36 Recreational Vehicles

In all areas of special flood hazard, recreational vehicles that are an allowed use or structure under the zoning ordinance must either:

(A) Be placed on the site for fewer than 180 consecutive days;

(B) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or additions.

Response: There are no recreational vehicles proposed with this development. Therefore, this provision is not applicable.

151.37 Essential Facilities

Construction of new essential facilities shall be, to the extent possible, located outside the limits of the area of special flood hazard. Construction of new essential facilities shall be permissible within the area of special flood hazard if no feasible alternative site is available. Floodproofing and sealing measures must be taken to ensure that toxic substances or priority organic pollutants as defined by the Oregon Department of Environmental Quality will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all essential facilities to the maximum extent possible.

Response: There are no essential facilities proposed in the flood hazard area, therefore, this provision is not applicable.

151.38 Tanks, Fences and Walls

(A) New and replacement tanks in flood hazard areas either shall be elevated above the base flood elevation on a supporting structure designed to prevent flotation, collapse or lateral movement during conditions of the base flood, or be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the design flood.

(B) New and replacement tank inlets, fill openings, outlets and vents shall be placed a minimum of two feet above base flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the design flood.

(C) New and replacement fencing shall be designed to collapse under conditions of the base flood or to allow the passage of water by having flaps or openings in the areas at or below the base flood elevation sufficient to allow floodwater and associated debris to pass freely.

Response: There are no tanks, fences or walls proposed within the proposed flood hazard areas within this development. Therefore, this provision is not applicable.

Chapter 153 – Land Development

153.009 Compliance with Other Rules and Regulations

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

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

Response: The applicant, with this narrative and attached exhibits, demonstrates compliance with all relevant provisions under city, county, state, and federal rules and regulations.

(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.

Response: The applicant, with this narrative and attached exhibits, demonstrates how the project does or can comply with the relevant regulations outlined within city, county, state, and federal codes.

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.

Response: The applicant, with this narrative and attached exhibits, will work to determine compliance with all relevant City Comprehensive Plan policies applicable to this proposal.

(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.

Response: The applicant, with this narrative and attached exhibits, will work to determine compliance with all relevant provisions under City zoning code.

(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.

Response: The applicant, with this narrative and attached exhibits, will work to determine compliance with all relevant provisions from other local, state, and federal agencies.

(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.

Response: The applicant, with this narrative and attached exhibits, will work to determine compliance with all relevant provisions under City zoning code.

(E) That no approval be granted for any use which is or expected to be found to exceed resource or public facility carrying capacities.

Response: The applicant, with this narrative and attached exhibits, will work to determine that resource and public facility carrying capacity is not being exceeded.

(F) For any use which is found to require compliance with air, water, land, solid waste and/or noise pollution standards, that the compliance be a condition of approval and compliance therewith shall be a continuing condition.

Response: The applicant, with this narrative and attached exhibits, will work to show that all compliance for environmental concerns will be a continuing condition of compliance.

(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.

Response: If required, a city business license will be obtained by the applicant for the proposed development. Therefore, this provision will be met.

(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) and (F).

Response: The applicant does not propose any recreational vehicles to be used for permanent occupancy as part of this development. Therefore, this provision is not applicable.

(I) Requiring an emergency management and response plan approved by the Fire Marshal for projects larger than 20,000 square feet in residential, mixed use, industrial or commercial zones. The plan shall address the major concerns associated with the terrain, dry conditions and limited access. The plan shall verify that the district has the appropriate equipment, training and personnel to respond to fires. If the local fire department or district does not have adequate rescue capability, the applicant shall provide a plan for providing such in case of an emergency.

Response: As the proposed development is larger than 20,000 square feet, the applicant is prepared to address all concerns related to fire safety and access. The fire flow analysis and proposed access as shown on the Preliminary Plan Set (Exhibit D) should answer most preliminary questions related to emergency management and response. The applicant can provide additional details related to emergency contact information and general emergency planning for long term site management after land use approval. The applicant is prepared to make modifications following comments and conditions from the Crook County Fire and Rescue Fire Marshal.

153.020 Preliminary Plan Set and Design Review Provisions

(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 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 153.087.**
- (4) *Paved parking* including access and maneuvering areas as set forth in 153.085 and 153.086.**
- (5) *Storm water drainage.* Per the City's Standards and Specifications.**

Response: The proposed development requires a design review application; therefore, all applicable public and site improvements are addressed in this narrative and the attached exhibits.

(G) Design review criteria. To ensure that the stated purposes of the design review process are met the reviewing authority shall be governed by the following criteria as it evaluates and renders a decision on a proposal:

(2) Site design evaluation criteria. A development shall make the most effective use possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses and to minimize intrusion into the character of existing developments and land uses in the immediate area. The following are additional criteria that shall be used in evaluating site development plans:

(a) The arrangement of all functions, uses and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites.

(b) In terms of setback from streets or sidewalks, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures.

(c) The design incorporates existing features, such as streams, rocks, slopes, vegetation and the like (for example, making use of a small stream rather than placing it in a culvert).

(d) Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscape/open space in order to create a pedestrian/bike pathway and/or open system that connects several properties or uses.

(e) The arrangement of the improvements on the site does not unreasonably degrade the scenic values of the community and the surrounding area in particular.

(f) Where appropriate, the design includes a parking and circulation system that encourages pedestrian and bicycle traffic.

(g) The design shall screen all storage, mechanical equipment, utilities and/or waste collection facilities from view, both from within and from outside the site.

Response: The applicant plans to incorporate natural characteristics and existing features that will work to preserve the scenic values of the community and the surrounding area. Pedestrian and bicycle traffic will be accommodated with proposed walkways that connect to an existing pathway in the public right-of-way. The plans show a proposed trail along Ochoco Creek that was requested by the City. The applicant has included a Preliminary Plan Set, attached as Exhibit D, that responds to the criteria listed above. All applicable site design criteria are addressed throughout the narrative and attached exhibits.

(3) Landscape design evaluation criteria. The following criteria shall be used in evaluating Landscape Plans:

(a) The overall design substantially complements the natural environment of the city and the character of the site and the surrounding area.

(b) The design acknowledges the growing conditions for this climatic zone, and the unique requirements that its specific site location makes upon plant selection.

(c) Provision has been made for the survival and continuous maintenance of the landscape and its vegetation.

(d) The design contributes to the stabilization of slopes and the protection of other natural features and resources where applicable.

(e) The design delineates and separates use areas, where it is desirable to do so.

Response: Preliminary landscaping plans have been prepared and are included in the Preliminary Plan Set attached as Exhibit E. The plan incorporates the retention of existing landscaping features including the riparian buffer of Ochoco Creek while proposing new landscaping features around the residential buildings and within the parking and vehicle maneuvering areas. The applicant plans to grant responsibility of the continuous maintenance of the landscape and its vegetation to the on-site management team who will manage a contract with a local landscape maintenance company. Responses to additional landscaping design criteria are addressed throughout the narrative and illustrated in attached exhibits.

153.035 Residential Use Table

Residential Use Standards support implementing uses consistent with the corresponding zoning district.

Table 2: PDC 153.035 Residential Use	
Residential/Accessory Uses	R-2 Zone Requirement
Multifamily dwelling or complex, of more than 10 dwelling units	Type 2

Response: The applicant submits for a Type 2 Conditional Use. This standard is met.

153.036 Residential Dimensional Standards

Residential Dimensional Standards support implementing development consistent with the corresponding zoning district. All superscript notations refer to applicable regulations or clarifications as noted in footnotes below.

Table 3: PDC 153.036 Residential Dimensional Standards	
	R-2 Zone Requirement
Minimum Lot Area	10,500 + 1,500 for each unit over 4
Minimum Setbacks for Structures (ft.)	
Front yard (collector or arterial) ³	10
Side Yard	5
Rear Yard	10
Minimum Street Frontage (ft.)	

Table 3: PDC 153.036 Residential Dimensional Standards	
	R-2 Zone Requirement
Standard street	50
Maximum Building Coverage (%)	
All buildings (percentage of lot)⁸	35%
Maximum Height (ft.)	
All buildings/structures	35
Multifamily/3 or more consecutive townhomes (side and rear setbacks)	Additional 1 ft. setback for every 1 ft. above 25 ft.

3. Plus that which is necessary to meet street and sidewalk right-of-way standards.

Response: As shown on the Preliminary Development Plans (Exhibit D), the total area of Tax Lot 1600 and 1700 is approximately 973,120 square feet. The minimum lot area required for the proposed 328 units is 496,500 square feet. Tax Lot 1600 and Tax Lot 1700 have a front yard setback of approximately 30 feet, side yard setback of approximately 10 feet, and rear yard setback of approximately 150 feet to Ochoco Creek (variable distance). The adjusted Tax Lot 1600 has a street frontage of approximately 630 feet along US 26 and the adjusted Tax Lot 1700 has a street frontage of approximately 320 feet along US 26. The total building coverage of Tax Lot 1600 equals approximately 132,300 square feet. This amounts to approximately 20.5% of the lot’s total square footage of 646,860 square feet. The total building coverage of Tax Lot 1700 equals approximately 56,300 square feet. This amounts to approximately 17.1% of the lot’s total square footage of 326,260 square feet. The three-story multi-family buildings proposed on Tax Lot 1600 are, at most, 40 feet, one inch in height, exceeding the maximum building height established for the R-2 Zone. The applicant is requesting a Major Variance pursuant to PDC 153.210-214 to be reviewed concurrently with the Conditional Use Permit and Design Review process. Compliance with variance criteria is addressed later in this report.

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.

(B) Specific conditions. Section 153.083 contains a list of uses with specific conditions that may apply to specific types of uses.

(C) Design review. Provisions set forth in 153.020. Except single-family and two-family/duplex dwellings and their accessory structures.

(D) Off-street parking and loading. Provisions set forth in 153.085 and 153.086.

(E) Minimum landscaping requirements. When design review is required, a minimum level of landscaping in accordance with 153.087 shall be required.

(F) Streets and public facilities. When design review is required, streets and public facilities shall be required in accordance with 153.194 and the City's Standards and Specifications. These improvements include but are not limited to right-of-way dedication, streets, storm water management, sidewalks, water lines, sewer lines, access management and the like.

(G) Chapter 155, Natural Features Overlay District (NFOD) and Slope Hazard Requirements. This chapter contains provisions for the protection of riparian areas, wetlands, rimrock, Barnes Butte and construction on steep slopes.

(H) Minimum sidewalk requirements. Whether replacing or required by design review, sidewalks shall be constructed to City Standards and Specifications. The minimum sidewalk width in an R-2 Zone is five feet, unless otherwise approved under 153.194.

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

(J) Limitations on use. No structure or land shall be occupied or used for any purpose which creates or causes to be created any public nuisance, including but not limited to excessive odor, dust, noise, vibration, flashing light or any hazard to the general health, safety and welfare of the area. Domestic livestock are permitted, but only in compliance with those provisions set forth in 153.096. No animal is permitted to run at large, animals shall be confined to an individual owner's property. Any animals permitted to run at large are hereby declared a nuisance and may be abated as such.

Response: Regulations applicable to the R-2 Zone including PDC 153.083, 153.020, 153.085-153.087, and 153.194 have been addressed in other sections of this narrative and supplemental exhibits within the submittal package. Therefore, this provision has been met.

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 two and one-half 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 eight 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 nonintersecting ends of the other two sides. The vertical clear vision area is the area above the triangle, between two and one-half feet and eight feet in height (ten feet 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 feet.

Response: The proposed development meets the clear vision areas standard at both proposed site access locations. As shown on the Preliminary Development Plans (Exhibit D) and

Landscape Plan (Exhibit E), no plantings or any other sight-obscuring objects will be placed in the 25-foot clear vision triangle for each site access.

153.082 On-Site Lighting

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.

Response: A Lighting Plan has been prepared for the site and is included as Exhibit F that shows types of lighting within the proposed development. All proposed lighting on the project site is designed to limit impact on adjoining properties, limit the visual impairment of vehicle drivers and aircraft operations within the area. Proposed lighting types include rotatable wall pack lighting and fixed wall pack lighting. All lighting will be mounted on building walls and spaced to provide adequate coverage.

153.083 Standards for Specific Uses

(H) Multifamily dwelling complex. A multifamily 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.

Response: The applicant proposed a complex with more than 20 dwelling units. The proposed development has direct access onto US 26, an improved major arterial. Therefore, this standard is met.

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

Response: The attached Preliminary Plan Set (Exhibit D) show two driveways that provide access to the project site with interior connectivity for fire access. The driveways provide an improved ingress and egress. Therefore, this standard is met.

(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.

Response: As shown on the Preliminary Development Plans (Exhibit D), both vehicular driveway accesses measure 30 feet in width. Interior complex drive aisles measure between 24 feet and 26 feet wide, with no on-street parking proposed. All driveways, drive aisles and parking facilities will be improved with asphalt pavement. Therefore, this standard is met.

(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.

Response: As shown on the Preliminary Plan Set (Exhibit D), sidewalks and walkways comprised of concrete pavement are proposed throughout the development. All proposed walkways are a minimum of five feet in width which exceeds the minimum width requirement.

(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.

Response: Responses to Chapters 153.085 and 153.086 are provided later in this narrative. The proposed development will exceed the minimum required spaces for vehicle parking.

(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.

Response: As shown on the Preliminary Plan Set sheet C400 (Exhibit D), the applicant proposes a connection to the existing eight-inch sanitary sewer main in the US 26 right-of-way on the south side of the highway near NW Gardner Road. The applicant also proposes a connection to the existing eight-inch water main in the US 26 right-of-way on the north side of the highway and extend a new water line across the frontage of both sites. Fire hydrants are proposed throughout the project site. A garbage compactor and recycling receptacles facility is proposed near the clubhouse at the south end of the proposed apartment development in Tax Lot 1600. The cottage-style and duplex-style housing on Tax Lot 1700 are proposed to be individually served by the local garbage collection company. Electrical power is proposed to all buildings serviced with underground electrical utilities.

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

Response: The applicant will install all proper incoming and outgoing mail facilities that meet the requirements of the U.S. Postal Service and an Amazon type parcel drop-off cabinet.

(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:

Response: The applicant does not propose exceeding the dimensional standards set forth for a multifamily development in the City of Prineville. Therefore, this provision is not applicable.

(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.

Response: The applicant proposes 328 units on the project site. This amounts to approximately 18,500 square feet of required recreational space. As shown on the Preliminary Plan Set (Exhibit D), the project includes three recreational spaces within the site totaling approximately 30,895 square feet. The proposed recreation spaces will be landscaped as required by this section. Therefore, this standard is met.

(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.

Response: The applicant does not propose permitting tenants to have recreational vehicles, camp trailers, boats, or similar recreational equipment parked in any parking areas. Therefore, this provision is not applicable.

(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.

Response: All units within the proposed development will be provided with clothes washing and drying facilities. There is no proposed private commercial coin-operated laundry facility within the project site. Therefore, this standard is met.

(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.

Response: The applicant does not propose a sight-obscuring fence or hedge as part of the overall development of the site.

153.085 Off-Street Parking and Loading: Provisions and Requirements

(D) Specific parking requirements by zone.

(1) R-1, R-2, R-3 and R-4 Zones.

(a) No specific requirements; the number of spaces required are listed in the table below; spaces shall meet city standards.

(E) Parking table. Where the square feet of the structure or use are specified as the basis for the requirements, the area measured shall be the gross floor area primary to the functioning of the particular use of the structure and property. When the requirements are based on the number of employees and/or the number of occupants, customers or users, the number counted shall be the number of employees working on the premises during the largest shift at peak season, and the number of occupants, customers or users shall be counted as the maximum rated capacity. Fractional requirements shall be counted as a whole space. Off-street parking spaces meeting the minimum dimensional standards in 153.086 may include spaces in garages, carports, parking lots, and/or driveways if spaces are accessible and vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes). Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirement.

Table 4: PDC 153.085 Off-Street Parking and Loading: Provisions and Requirements	
Use Description	Minimum Requirements
Multifamily complex (5 or more dwellings)	2 spaces per dwelling for first 4 dwellings; 1.5 spaces per dwelling from 5 to 8 dwellings; 1.25 spaces per dwelling thereafter, plus 2 spaces for owner/manager.

Response: The project proposes a total of 328 dwellings, thus a combined total of 419 parking spaces are required. The preliminary plans propose construction of 572 parking spaces. Therefore, this standard is met.

153.086 Off-Street Parking and Loading: Design/Improvement Standards

(A) In the event that several uses occupy a single lot or building, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

Response: The applicant is proposing a mix of traditional multi-family and low density residential rental development. No other uses are proposed therefore this section is not applicable.

(B) Owners of two or more uses, structures or parcels of land may agree to jointly utilize the same parking, loading and access facilities when the hours of operation do not overlap; provided, however, that satisfactory legal evidence is submitted to and approved by the reviewing authority in the form of deeds, leases or contracts to establish the joint use and provide for improvements and maintenance thereof.

Response: The applicant is proposing a multi-family residential development on the entire project site. The proposed development will have connected accesses for circulation and fire access that will have joint access agreements. There is no intent to jointly utilize parking from one site to the other. Therefore, this provision is not applicable.

(C) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall not be located farther than 600 feet from the building or use they are required to serve, measured horizontally in a straight line from the building or use, or not more than 1,200 feet from the building or use they are required to serve, measured along the route of the shortest and most direct walking distance, whichever is greater.

Response: All proposed off-street parking spaces will be located on the same lot as the multi-family dwellings. Additionally, required parking spaces will be adjacent to each multi-family building and are typically within 300 feet of the building entrance. The cottage-style and duplex-style housing will have individual parking spaces.

(D) Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of inoperable or other nonpassenger vehicles, materials or the parking of trucks used in conducting the business or use.

Response: All proposed off-street parking spaces are to be used for residential automobile parking. The parking spaces are not proposed for storage of inoperable or other non-passenger vehicles, materials, or other truck parking. Therefore, this standard is met.

(E) Unless otherwise approved by the City Planning Commission, all areas used for parking and maneuvering of vehicles when required by 153.085 shall have durable and dustless surfaces maintained adequately for all weather use as herein defined. *DURABLE AND DUSTLESS SURFACES* shall mean to be surfaced with asphaltic concrete, concrete or equivalent material. Exceptions include the following when the use is determined not to cause a nuisance and are approved by the reviewing authority:

- (1) Parking in conjunction with single- and two-family dwellings.**
- (2) Parking and maneuvering of heavy equipment (ex.: saw mills, lumber yards, heavy equipment yards, shipping yards and warehousing).**
- (3) Storage of bulky merchandise (ex.: building materials, ranching and farming materials, contractor yards).**

Response: The applicant proposes asphaltic concrete on all parking and maneuvering surfaces for vehicles. This durable and dustless surface meets the City standard; therefore, this standard is met.

(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 subsection (E) of this section, or as otherwise approved by an authorized official of the city.**

Response: The applicant proposes asphaltic concrete on all parking and maneuvering surfaces for vehicles. This durable and dustless surface meets the City standard; therefore, this standard is met.

- (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.**

Response: The applicant proposes asphaltic concrete on all ingress and egress surfaces for vehicles. This durable and dustless surface meets the City standard; therefore, this standard is met.

- (3) Parking areas, aisles and turnarounds shall have provisions made for the on-site 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-way and abutting private property.**

Response: The proposed drainage systems will consist of multiple shallow infiltration basins located throughout the site to collect and infiltrate runoff from the parking areas, walkways, and buildings. The infiltration basins have been designed to fully infiltrate the 100-year peak runoff volume from the tributary areas. An overflow drainage system will be provided within each of the infiltration basins and any overflow will be routed to a detention facility in the north portion of sites and then discharged to Ochoco Creek.

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

Response: All proposed parking spaces will be permanently and clearly marked with striping to indicate their intended designation as parking spaces. Therefore, this standard is met.

(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 four inches high and set back a minimum of four and one-half feet from the property line or by a bumper rail.

Response: The proposed parking stalls will include six-inch high concrete vertical curbing at the front of all parking stalls and a seven-foot-wide walkway. Proposed buildings will be setback from the edge of the walkway by a minimum of seven feet. Parking stalls have been setback from the property line at a minimum of 10 feet unless located within shared access drive aisles near the site access and at the west end of the property near the open space. Therefore, this standard is met.

(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.

Response: The applicant has attached a lighting plan as Exhibit F that shows types and locations of lighting within the proposed development. All proposed lighting on the project site is designed to limit impact on adjoining properties and limit the visual impairment of vehicle drivers by installing shielded lights near parking areas and buildings and away from adjacent properties.

(G) Unless otherwise provided for, required parking spaces and other nonstructural parking facilities may be located in required yards and other setbacks.

Response: There are no proposed parking spaces and other nonstructural parking facilities in yards and other setbacks unless located within shared access drive aisles near the site access and at the west end of the property near the open space. Therefore, this standard met.

(H) Except for parking to serve residential uses not including multifamily dwelling complexes, parking and loading areas adjacent to residential uses shall be designed to minimize disturbance of residents by the erection of a sight-obscuring fence of not less than four nor more than six feet in height, except where vision clearance is required.

Response: If required by the City of Prineville, the applicant is prepared to construct a fence along the western property line to help to minimize the disturbance of residents in the adjacent residential use.

(I) Except as may be approved or required otherwise by the reviewing authority, the standards set forth in the following table shall be the minimum size to count as an off-street parking space or drive aisle for parking lots, driveways, garages or carports approved under this section and this chapter (all figures are in feet).

Table 5: PDC 153.086 Off-Street Parking and Loading: Design/Improvement Standards					
Parking Angle	Stall Width ft.	Stall Depth ft.	Curb Length ft.	Drive Aisle 1-Way ft.	Drive Aisle 2-Way ft.
90°	9	20	9	24	24
Driveway	10	20	10	12	24
Garage or carport	10 (interior)	20 (interior)			

Response: All proposed parking stalls across both Tax Lot 1600 and 1700 are at a 90-degree parking angle and measure nine feet wide by 20 feet long. Proposed drive aisles measure 24 feet through the cottage-style development in Tax Lot 1700 and 26 feet through the apartment-style development in Tax Lot 1600. The corresponding 9-foot curb length is also proposed in compliance with this section. Therefore, this standard is met.

(J) Except as otherwise provided for in this subsection, or as may otherwise be approved by the reviewing authority, required parking lots, areas and facilities shall be improved and available for use by the time the use to be served by the parking is ready for occupancy.

Response: The applicant is not requesting an extension of time to provide parking lots, areas, and facilities at this time. Therefore, this standard is not applicable.

(L) Access aisles and service drives.

(1) Access aisles shall be surfaced and of sufficient width for all vehicle turning and maneuvering, and in no case shall access aisles be approved which are less than 12 feet in width.

Response: All proposed access aisles measure approximately 25 feet which exceeds the minimum width for vehicle turning and maneuvering. Therefore, this standard is met.

(2) All residential off-street parking areas commencing from a public street or highway shall have at least one service drive, surfaced with a durable and dustless surface as defined in subsection (E) of this section, and all service drives shall likewise be so surfaced.

Response: The proposed development includes the construction of two service drive aisles with access to US 26. The proposed service drive aisles will be surfaced with asphalt pavement. Therefore, this standard is met.

(3) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic ingress and egress, and maximum safety of pedestrians and vehicular traffic on site.

Response: As shown on the Preliminary Plan Set (Exhibit D) and the Traffic Impact Analysis (Exhibit H), all service drive aisles and safety standards have been met to ensure maximum safety for vehicular and pedestrian traffic.

(4) Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street other than an alley will be required to accommodate ingress and egress. Driveways serving the areas shall be designed and constructed

to facilitate the flow of traffic on and off the site, with due regard to pedestrian and vehicle safety, and shall be clearly and permanently marked and defined. In no case shall two-way and one-way driveways be less than 24 feet and 12 feet in width respectively.

Response: The proposed groups of parking spaces greater than four do not necessitate backing movements or other maneuvering onto any streets. All proposed access aisles measure approximately 25 feet which exceeds the minimum width for vehicle turning and maneuvering. Therefore, this standard is met.

(5) The number of required service drives shall be determined by the City Superintendent of Public Works, City Council or other jurisdictional authority.

Response: The proposed residential development was designed to provide two vehicular access points to US 26 to provide internal circulation for the development and to provide adequate access for emergency services. Therefore, this provision is not applicable.

(7) Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line and a straight line joining the lines through points 20 feet from their intersection or as otherwise required in 153.081.

Response: As shown on the Preliminary Plan Set Sheet C202 (Exhibit D), both proposed driveways that service the project site meet the minimum 20 feet of vision clearance for ingress and egress onto US 26.

(M) For those uses which require off-street parking, a plan drawn to scale indicating how the off-street parking and loading requirements are to be fulfilled shall accompany the application for Preliminary Plan Set review or conditional use permit. The plan shall show all those elements necessary to indicate that these requirements are being fulfilled and shall include, but not be limited to, the following:

- (1) Delineation of individual parking spaces.**
- (2) Circulation area necessary to serve spaces.**
- (3) Access to streets, alleys and properties to be served.**
- (4) Proposed curb cuts, locations and widths.**
- (5) Dimensions, continuity and substance of screening.**
- (6) Landscape, lighting and signage plans.**
- (7) Grading, drainage, surfacing and sub-grading details.**
- (8) Delineations of all structures or other obstacles to parking and circulation on the site.**

Response: The Preliminary Plan Set (Exhibit D) includes plan sheets, drawn to scale which indicate how the off-street parking requirements are fulfilled.

153.087 Landscaping Requirements

(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, ground cover, 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.

Response: The project site is currently an open field with limited existing vegetation. Therefore, this standard does not apply.

(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 and complexes: 20%.

Response: As shown on the Landscape Plan (Exhibit E), the development will have approximately 318,115 square feet of landscaped area across the two parcels, representing approximately 33% of the development site. Therefore, this standard is met.

(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.

Response: As shown on the Landscape Plan (Exhibit E), each parking area of more than 12 spaces is divided with a curbed planter and the ends of 12-space parking bays also contain curbed planters. Therefore, this standard is met.

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

Response: As shown on the Landscape Plan (Exhibit E), all curbed planters within the proposed development contain one tree and ground cover. Therefore, this standard is met.

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

Response: As shown on the Landscape Plan (Exhibit E), all proposed landscaped areas will be protected from vehicles by sidewalks and curbs. Therefore, this standard is met.

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

Response: As shown on the Landscape Plan (Exhibit E), all proposed landscape areas allow for adequate vision of vehicles and pedestrians. Therefore, this standard is met.

(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 four-foot strip of landscaping.

Response: As shown on the Landscape Plan (Exhibit E), any parking areas without a sidewalk between the proposed residential structure and the parking area will have at least a four-foot-wide landscape strip. Therefore, this standard is met.

(f) Where a parking, loading or driveway area serving a multifamily, 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.

Response: There are no proposed parking lots abutting US 26, an arterial street. On the western edge of the project site, the few parking spaces abutting the rural residential zone will contain a landscape screening between the property line and the parking area. Therefore, this standard is met.

(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.

(b) An aesthetic and/or noise reducing landscaped buffer may be required between land uses as follows:

3. Multifamily complexes containing four or more units abutting a residentially zoned parcel that is limited to single-family residential use, public recreation area, scenic resource, institutional use or public right-of-way.

Response: As shown on the Landscaping Plan – North and Landscaping Plan – South sheets (Exhibit E), landscape buffers are proposed on both the western and eastern property line. The parcel to the east is zoned R-2 (General Residential). The parcel to the west is zoned SR-1 (Suburban Residential). Therefore, this standard is met.

(c) A buffer or screening area may only be occupied by screening utilities and landscaping materials, but the same may be located within the required yard or setback requirements provided vision clearance requirements are complied with.

Response: As shown on the Landscape Plan (Exhibit E), the landscaped buffer is located within the required setback area. However, the applicant is still in compliance with all vision clearance requirements as this setback is not at the intersection of any two streets. Therefore, this standard is met.

(d) In lieu of the foregoing requirements, an applicant may provide for landscaping and screening, including plantings, fences, walls, walks and other features designed to afford the same degree of buffering as the standards above. A plan and specifications for an alternative shall be reviewed and approved by the reviewing authority with jurisdiction over the approval of the applicable use.

Response: The applicant does not propose an alternative plan for landscaping and screening buffers on the eastern and western property lines. Therefore, this provision is not applicable.

(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 eight feet in height and be fully branched at the time of planting.**
- (3) Shrubs shall be supplied in one-gallon containers or six-inch burlap balls with a minimum spread of 12 inches.**
- (4) Rows of plants should be staggered to provide for more effective coverage.**

Response: As shown on the Landscape Plan (Exhibit E), all trees meet the minimum eight-foot height requirement and plant rows are staggered to provide more effective coverage. All plantings will be secured and are shown to not interfere with any vehicular or pedestrian traffic. Therefore, this standard is met.

(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.

Response: The applicant will maintain all landscaped areas within the proposed development and will replace any plantings that fail to survive. Therefore, this standard is met.

153.088 Riparian Habitat, Scenic Protections, and Slope Hazard

For regulations on riparian habitat, scenic views and slope hazards see Chapter 155, Natural Features Overlay District (NFOD) and Slope Hazard Requirements.

Response: Chapter 155 of PDC is addressed in the narrative below, more specifically PDC 155.060 Surface Water Features.

153.089 Cutting and Filling

(A) Grading, cutting and filling of building lots or sites. Grading, cutting and filling of building lots or sites shall conform to the following standards unless physical conditions warrant other standards as

demonstrated by a licensed engineer; in such a case, the documentation justifying such other standards shall be set forth in writing thereby.

- (1) The city may require a grading plan by a licensed engineer for any new construction or proposed alteration of a site.
- (2) Alterations greater than three feet from the natural pre-existing grade or any alteration greater than one foot within ten feet of a property line shall require a grading permit from the City Engineer; at the discretion of the City Engineer the applicant may be required to submit a plan prepared by a licensed engineer and public notice of neighboring properties.
- (3) A grading plan, if required, shall demonstrate construction feasibility, and the engineer shall attest to such feasibility and shall certify an opinion that construction on the cut or fill will not be hazardous to the development of the property or to surrounding properties.
- (4) The City Engineer's decision on the proposal shall be based on the following considerations:
 - (a) That based on the engineer's report, that construction on the cut or fill will not be hazardous or detrimental to development of the property or to surrounding properties.
 - (b) That construction on such a cut or fill will not adversely affect the views or privacy of any adjacent property beyond that which could reasonably be expected without the cut or fill based on the provisions of the underlying zone; or that modifications to the design and/or placement of the proposed structure would be sufficient to minimize such adverse impact.
 - (c) That the proposed grading and/or filling will not have an adverse impact on the drainage on adjacent properties, or other properties down slope.
 - (d) That the characteristics of soil to be used for fill, and the characteristics of lots made usable by fill, shall be suitable for the use intended.
 - (e) Cut slopes shall not exceed one foot vertically to one and one-half feet horizontally.
 - (f) Fill slopes shall not exceed one foot vertically to two feet horizontally.

Response: A Grading and Drainage Plan is attached to this application as Exhibit D. The applicant, with this plan, shows that construction is feasible and that any cut or fill will not be hazardous to the development of the property or surrounding properties. All proposed grading and filling will meet the standards of the City Engineer.

(5) Filling of wetlands shall only be permitted outside of the Natural Features Overlay District (Chapter 155) and after a permit has been issued by the Division of State Lands (DSL) and U.S. Army Corps of Engineers (if applicable). The City Planning Official, the Building Official, and City Public Works Superintendent shall find that the filling will not cause flooding of adjacent properties or public streets or drainage systems, and that drainage systems are adequate to handle actual or projected storm runoff.

Response: There are no designated wetlands on the project site. Therefore, this standard is not applicable.

(B) Filling within the designated floodway of Ochoco Creek and Crooked River is prohibited. Filling within the floodplain is prohibited unless necessary to elevate a structure to meet the standards of Chapter 151, Flood Damage Prevention. Filling for any reason is discouraged within the floodplain while

a no-net-fill approach or structural solutions such as raised stem walls with pass through vents is preferred.

Response: The applicant does not propose filling within the designated floodway of Ochoco Creek. The applicant does propose filling within the floodplain as it is necessary to elevate structures within the proposed development to meet the standards of Chapter 151, Flood Damage Prevention. The applicant will apply for a CLOMR and subsequent LOMR to fill within the floodplain.

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 the ordinance codified in this chapter, a change in use, enlargement or alteration of such use shall conform to the provisions of a conditional use if so classified. An application for a conditional use may be approved, modified, approved with conditions or denied by the designated reviewing authority.

(A) A conditional use that is utilizing an existing building may be transferred to a new owner or user for the same type of use. Conditions of the approval shall still apply.

(B) A conditional use that is utilizing an existing building may be transferred to a new owner or user for a similar type of impact as determined by the Planning Director. A change of use application shall be required and may be referred to the Planning Commission if one or more concerns are received or if three or more Commissioners believe the application warrants a Commission review.

Response: There are no existing buildings on the project site. While the proposed development requires a conditional use permit, the specific conditions in 153.135 are not applicable to this application.

153.161 Lot Consolidations

The purpose of this section is to allow for the reconfiguration or elimination of lots without the requirements of a full subdivision or partition process. A lot consolidation is the actual removal or relocation of a lot line or lines. It is not the process of consolidating tax lots. All lot consolidations shall follow the same planning process as a boundary line adjustment and final plat map requirements of a partition, subdivision or replat as applicable. The following criteria shall apply:

(A) Consolidations may only result in the same number or fewer lots.

Response: The applicant's boundary adjustment application proposes the adjustment of two lots that results in two lots. Therefore, this standard is met.

(B) Consolidations shall only be performed on contiguous lots.

Response: Tax Lot 1600 and Tax Lot 1700 share a common eastern and western border (respectively), making them contiguous lots. Therefore, this standard is met.

(C) All lots created shall meet the minimum dimensional standards of the zone to include public street frontage. Exceptions may be made for lots that are currently nonconforming based on the original partition or subdivision; however, the intent of this criteria is for greater conformance.

Response: The minimum required street frontage in the R-2 Zone is 50 feet. Upon completion of the requested adjustment Tax Lot 1600 will have a frontage width of approximately 630 feet and Tax Lot 1700 will have a frontage width of approximately 320 feet, exceeding the minimum requirement. Therefore, this standard is met.

(D) Each noncontiguous consolidation shall be a separate application.

Response: The applicant does not propose any noncontiguous consolidations and is therefore only submitting one application. Therefore, this provision is not applicable.

(E) Consolidations shall not be used to substantially alter a subdivision outside of the subdivision process as determined by the Planning Director. A subdivision plat should only be used as an efficient means to replat multiple consolidations within the same subdivision that could otherwise be done individually without significantly altering the subdivision.

Response: The applicant does not propose any subdivisions and does not propose the alteration of any subdivisions. Tax Lot 1600 and 1700 are not currently in a subdivision. Therefore, this provision is not applicable. -style-style housing.

(F) Consolidations shall not be used to avoid public improvements that would otherwise be required or have been required by a land partition or subdivision such as the replatting of a subdivision that has not yet been constructed.

Response: The purpose of the proposed boundary adjustment is not to avoid required public improvements. The intended purpose is to make best use of the lots and accommodate the multi-family residential development.

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 two 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 major collector street.

Response: The proposed development is adjacent to US 26, a major arterial street. The applicant is providing two access locations to US 26 approximately within a 900 lineal foot frontage, which meets block spacing and provides for two-tier building site between the access points. Therefore, this standard is met.

(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.

Response: As discussed throughout the narrative and attached Preliminary Plan Set (Exhibit D), the size, width, shape, and orientation of the lots are appropriate for a multi-family development. The proposed multi-family development is consistent with applicable zoning and topographical conditions. Therefore, this standard is met.

(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.

(1) The following are situations where the reviewing authority may allow reductions to the frontage rule:

- (a) When listed otherwise in the dimensional tables.**
- (b) Cluster developments or PUD.**
- (c) R-5 Residential High Density Zone.**
- (d) Other commercial and industrial zones that can demonstrate proper traffic function with regard to parking, ingress and egress.**
- (e) Mixed Use Zone.**

Response: Tax Lots 1600 and 1700 abut US 26, a major arterial. The width of street frontage on the adjusted Tax Lot 1600 measure approximately 630 feet and the width of street frontage on the adjusted Tax Lot 1700 measure approximately 320 feet. The applicant does not qualify for any of the reductions to street frontage listed above. Therefore, this standard is met.

(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.

Response: As shown on the Preliminary Plan Set (Exhibit D), the side lines of Tax Lots 1600 and 1700 are somewhat perpendicular to US 26, the street upon which the lots front. Therefore, this standard is met.

(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.

Response: The applicant does not propose division by city, county, or other taxing district boundary lines or service district. Additionally, the applicant does not propose division by right-of-way, utility line or drainage way, or by easement. Therefore, this provision is not applicable.

(F) Flag lots. The intent of the following criteria 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:

Response: The applicant does not propose a flag lot as part of this development application. Therefore, this provision is not applicable.

(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.

Response: Tax Lots 1600 and 1700 are not currently configured as double-frontage lots and there are no development plans to convert them to double-frontage lots. Therefore, this provision is not applicable.

(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.

Response: The applicant does not propose any special building setback lines. Therefore, this provision is not applicable.

(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.

Response: The applicant does not propose any subdivisions as part of this land use application. Therefore, this provision is not applicable.

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 six feet in width.

Response: Please refer to the Preliminary Plan Set (Exhibit D) for specific locations of utilities. Easements for utilities can be provided where they are deemed necessary through the design review process.

(B) Watercourses. If a lot is traversed by a watercourse, 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 watercourse, and such further widths as deemed necessary.

Response: There are no watercourses traversing the proposed development site. Therefore, this provision is not applicable. Development along or near Ochoco Creek in the northern portion of Tax Lots 1600 and 1700 is not planned.

(C) Pedestrian and bicycle ways. When desirable for public convenience, a pedestrian and/or bicycle way of not less than five 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.

Response: The Preliminary Plan Set (Exhibit D) illustrates specific locations of proposed sidewalks and pathways within the site and along Ochoco Creek.

(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.

Response: The Preliminary Plan Set (Exhibit D) includes preliminary utility plans for the project. Easements for utilities can be provided where they are deemed necessary through the design review process

153.193 Land for Public Purposes

(A) If the city has an interest in acquiring a portion of a proposed development for a public purpose, or if the city has been advised of the interest by a school district or other public agency, and there is reasonable assurance that steps will be taken to acquire the land, then the city may require that portion of the development be reserved for public acquisition for a period not to exceed one year.

Response: In the Pre-App Conference Notes attached as Exhibit B, the City did not state a specific interest in acquiring a portion of the proposed development for a public purpose. In the future, the applicant is prepared to reserve a portion of the proposed development for public acquisition.

(B) Subdivisions containing 20 or more residential lots may be required (based on size and potential density) to develop and dedicate to the public a parcel of land at least 5% of the gross area of the development for parks and recreation purposes. The parcel of land shall be determined to be suitable for the park and/or recreation purpose(s) intended. This land may be within the development or adjacent to the development on continuous property owned by the developer. Parks approved as part of a subdivision may not be used to satisfy obligations of adjacent subdivisions.

Response: The project site contains two lots; no subdivision development is proposed. Therefore, this provision is not applicable.

(C) In the event no such area is available that is found to be suitable for parks and/or recreation uses, the developer may be required, in lieu of setting aside land, to pay to the appropriate parks and recreation agency a sum of money equal to the market value of the area required for dedication, plus the additional funds necessary for the development thereof if so required; if such is required, the money may only be utilized for capital improvements by the appropriate parks and recreation agency.

Response: In the Pre-App Conference Notes attached as Exhibit B, the City did not state a specific interest in acquiring a portion of either tax lot for a public purpose. The applicant is prepared to provide a trail along the creek as requested by the City.

(D) The foregoing land and development or a monetary contribution may be provided for in lieu of an equal value of systems development charge assessment if so approved by the collecting agency (Crook County Parks and Recreation) in accordance with the applicable provisions of the SDC Ordinance. If the collecting agency will not accept the land or monetary contribution in lieu of an applicable systems

development charge, the land and development of a park may still be required by the city. Such a park would need to be managed with a homeowners association unless an alternate arrangement can be reached with Crook County Parks and Recreation.

Response: In the Pre-App Conference Notes attached as Exhibit B, the City did not state a specific interest in acquiring a portion of either tax lot for a public purpose. The applicant is prepared to provide a trail along the creek as requested by the City.

(E) If the nature and design, or approval, of a development is such that over 30% of the tract of land to be developed is dedicated to the public such as parks, rights-of-way, water or sewer system facilities and the like, then the requirements shall be reduced so that the total obligation of the developer to the public does not exceed 35%.

Response: In the Pre-App Conference Notes attached as Exhibit B, the City did not state a specific interest in acquiring a portion of either tax lot for a public purpose. The applicant is prepared to provide a trail along the creek as requested by the City..

153.194 Streets and Other 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.

Response: The developer intends to construct all streets, curbs, sidewalks, sanitary sewers, storm sewers, water mains, electric, gas, telephone, cable, and other utilities in accordance with Prineville Standards and Specifications.

(B) Underground installation of utility lines. All electrical, telephone or other utility lines shall be underground unless otherwise approved by the city.

Response: All utility lines that connect to the proposed development are planned to be underground. Therefore, this standard is met.

(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.

Response: The applicant's proposed private roadway system meets all applicable safety standards and ingress and egress standards. For more detailed site and traffic information, please see the Preliminary Plan Set attached as Exhibit D and the Traffic Impact Analysis attached as Exhibit H.

(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.**

Response: The proposed drive aisle location and pattern is shown on the Preliminary Plan Set (Exhibit D). The applicant provides for the continuation of US 26 along the south property line and will work to conform to any other street conditions set forth.

(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.

Response: As shown on the Preliminary Plan Set (Exhibit D), all drive aisles measure between 24 and 26 feet in width with installed curbs and either five-foot or seven-foot sidewalks.

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

Response: There are no existing streets to extend into the development site. Two accesses are proposed from HWY 26 to serve the development. Therefore, this provision is not applicable.

(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.

Response: In the Pre-App Conference Notes attached as Exhibit B, the City did not state a specific interest in providing access to adjoining land.

(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.

Response: As shown on the Preliminary Plan Set (Exhibit D), all drive aisles intersect at angles as near to right angles as practicable. The applicant does not plan to seek approval for any special intersections. Therefore, this standard is met.

(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.

Response: There are no existing streets within the proposed development. Therefore, this provision is not applicable.

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

Response: There are no cul-de-sacs proposed with this development. Therefore, this provision is not applicable.

(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 nonaccess 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.

Response: The proposed development abuts an existing arterial street, US 26. The applicant is prepared to apply any further treatments deemed necessary by the City.

(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.

Response: The project site is not adjacent to a railroad or main canal right-of-way. Therefore, this provision is not applicable.

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

Response: No reserve strips or street plugs are proposed with this development. Therefore, this provision is not applicable.

(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.

Response: No half streets are proposed with this development. Therefore, this provision is not applicable.

(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.

Response: As shown on the Preliminary Plan Set (Exhibit D), all drive aisles measure between 24 and 26 feet in width with installed curbs and either five-foot or seven-foot sidewalks.

(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.

Response: No alleys are proposed with this development. Therefore, this provision is not applicable.

(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.

Response: As shown on the Preliminary Plan Set (Exhibit D), all interior streets and parking lots will be provided with curbs. Within the proposed apartment development parking lots, concrete vertical curbs are proposed. The street that bisects the duplex-style and cottage-style development will be installed with concrete rolled curbs. Therefore, this standard is met.

(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 five feet in width in residential and industrial areas and eight feet in width in commercial areas unless otherwise provided for in the applicable zone or conditional use approval.

Response: As shown on the Preliminary Plan Set (Exhibit D), all interior drive aisles and parking lots will be provided with five-foot wide concrete walkways that serve as sidewalks. Connections will be established to a concrete walkway along the northern property boundary (riverfront) and the southern property boundary (existing walkway along US 26).

(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 five feet in width for one-way bike lanes and eight feet in width for two-way bike lanes.

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

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

Response: The applicant does not propose any development along local streets or collector streets. The project site's southern property line is along an arterial street (US 26). Frontage improvements along US 26 are not anticipated beyond preserving the existing asphalt walkway.

(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.

Response: No streetlights are required; however, private, on-site lighting is proposed within the development. Therefore, this standard is met.

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.

(2) Consideration of the following traffic and facility improvements for access management:

(a) Providing of acceleration, deceleration and right-turn-only lanes.

(b) Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.

(c) Installation of median barriers to control conflicts associated with left turn movements.

(d) Installing side barriers to the property along the serving arterial or major collector to restrict access width to a minimum.

(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
(2)	Minimum spacing between street intersections:	
	Major arterial	1/4 mile
	Minor arterial	600 feet
	Collector	300 feet
	Local streets	300 feet

Response: Please see the attached Traffic Impact Analysis (Exhibit H) for detailed information related to access management. In summary, the proposed spacing between the two access points on the proposed development is approximately 465 feet. ODOT classifies US 26 as a regional highway and minimum spacing is 830 feet. A deviation from ODOT’s “approach spacing” standards are being requested per the requirements cited in Oregon Administrative Rule (OAR) 734-051-3050.

153.210 Authorization to Grant or Deny

(A) Variances from the provisions and requirements of this chapter may be approved in accordance with the provisions of this subchapter where it can be shown that, owing to special and unusual circumstances related to a specific lot, parcel or tract of land, strict application of certain provisions of this chapter would cause an undue or unnecessary hardship.

(B) No variance shall be granted that would allow the use of property for a purpose not authorized within the zone in which the proposed use or development is located.

(C) In granting a variance, conditions may be attached that are found necessary to protect the best interests of the adjoining or surrounding properties or the vicinity, and to otherwise achieve the purposes of this chapter, the specific applicable zoning and the objectives and policies of the City’s Comprehensive Plan.

Response: As previously stated and illustrated on the Architectural Plans (Exhibit G), the three-story apartment buildings proposed on Tax Lot 1600 are designed with a maximum building height of 40 feet, one inch, thus exceeding the standards for the zoning district. Responses to PDC 153.211 below illustrate how the project complies with criteria required for approval of a major variance. The proposed development is an authorized use within the R-2 General Residential Zone.

153.211 Circumstances for Granting a Major Variance

A MAJOR VARIANCE is a request for a variance that does not qualify as a minor variance. Major variances can only be reviewed as a Type II conditional use. A major variance may be granted without restrictions, or may be granted subject to prescribed conditions and limitations; provided, that the following findings are evident:

(A) That the literal application of specific provisions of the chapter would create practical difficulties for the applicant resulting in greater private expense than public benefit; however, a variance is not to be granted simply because it would afford the owner a higher profit or prevent a mere inconvenience.

(B) That the condition creating the difficulty is not general throughout the surrounding area, but is unique to the applicant's site or property; therefore, the granting of the requested variance will not set a precedent for future applications.

(C) That the condition was not created by the applicant. A self-created difficulty will be found if the applicant knew or should have known of the specific restriction or provision at the time the site was purchased. Self-created hardship also results when an owner and/or developer negligently or knowingly violates a provision of this chapter. A substandard lot, deliberately made so by the owner's conveyance, is considered a self-created hardship. Violations made in good faith, or circumstances arising from pre-existing conditions or circumstances, are treated more leniently, as is the condition of an area deficiency created by the expansion of a public right-of-way, public utility easement or other public use in the public interest.

Response: The applicant requests a height variance of five feet, one inch over the maximum height of 35 feet established in the R-2 General Residential Zone. There are ten buildings proposed to exceed the height variance. Five of the proposed buildings (see Millennium architectural plans Exhibit G) are designed with a maximum height of 39 feet, ten inches. Four of the proposed buildings (see Empire architectural plans Exhibit G) are designed with a maximum height of 40 feet, one inch. One of the proposed buildings (see Princess architectural plans Exhibit G) is designed with a maximum height of 35 feet, 11 inches. One of the proposed buildings (see Alliance architectural plans Exhibit G) is designed with a maximum height of 40 feet, one inch.

As discussed throughout this narrative, the site is located along the banks of Ochoco Creek and the developable area of the property is significantly constrained by the presence of regulatory floodplain, floodway and riparian buffers associated with the creek creating a unique challenge for the site. The use of three-story buildings within the development ensures sufficient density can be achieved for market viability of the project while protecting the significant resources within and adjacent to the western portion of the site.

The proposed apartment buildings are designed to maximize unit counts and reduce building footprints across the property to ensure adequate buffers, parking, and open space to serve residents while preserving critical areas associated with Ochoco Creek. The buildings are double-sided which increases unit counts and provides aesthetic benefits by having two fronts featuring architectural details including balconies improving views from adjacent roads and properties. Ceiling heights are designed at nine feet which meets industry standards and provides a higher standard of living for the tenants. Having double-sided buildings increases the ridge height, however the applicant has lowered the roof pitch of the buildings to the minimum allowed for asphalt shingles while still maintaining the three-story concept.

The proposed apartment buildings are setback from the western property line at a minimum 80 feet which far exceeds the minimum setback required for the zone and exceeds the additional one-foot setback for every foot of building height over 25 feet. This allows for greater separation between the two residential uses and assists in the mixing of denser residential development with lower density residential development. A row of garages borders the western property line further separating the apartment

buildings from the adjacent residences. In addition, the proposed top floor balconies that face the western property line only reach a height of approximately 25 feet which is below the maximum height for the zone.

The combined building features and site design elements will create an aesthetically pleasing development and ensure comfort and quality for the tenants, both of which benefit the Prineville community.

(D) In the case of a use variance, that the literal application of specific provisions of the chapter would result in an unnecessary hardship to the applicant and/or property owner. An unnecessary hardship will be found when there is no reasonable use of or return from the property as it may lawfully be used under the applicable provisions of this chapter.

Response: The applicant does not propose a use variance. Therefore, this provision is not applicable.

153.212 Minor Variance

For the purposes of this chapter, a MINOR VARIANCE is an area or dimensional variance that meets one of the following conditions. Only one such variance may be granted for any one lot, parcel or tract of land.

(A) Is a variance request involving a deviation from a minimum lot size, street frontage and lot coverage requirement of not more than 10%.

(B) Is a variance request involving a deviation from a setback requirement of not more than 25%.

(C) Involves a request for the expansion of a nonconforming use by not more than 10%.

Response: The proposed variance request does not qualify for any of these listed conditions. Therefore, this provision is not applicable.

153.213 Application for a Variance

An application for a variance under this subchapter shall be filed with the City's Planning Department on a completed application form established by the Department. An application shall include at least the following information; to the extent such information may be required as a condition of acceptance of filing of an application under Oregon Constitution Article 1, Section 18(a) through (f):

(A) A legal description of the private real property as to which the owner is applying for a variance, including the common address and either a legal metes and bounds description or a Crook County Assessor's description of the property;

(B) The name, address and telephone number of each owner of and security interest holder in the private real property, together with the signature of the owner making the application;

(C) A copy of the specific regulation as to which the owner is applying for a variance, including the date the regulation was adopted, first enforced, or applied;

(D) A copy of the regulation in existence, and applicable to the private real property, immediately before the regulation that was imposed and allegedly restricts the use of the private real property and caused a reduction in fair market value;

(E) The manner in which, and the extent to which, the regulation restricts the use of the private real property as to which the owner is applying for a variance.

Response: In lieu of a separate application for a variance, the applicant has addressed applicable criteria within the project narrative and is pursuing the variance concurrently with the Conditional Use Permit and Design Review request for the project.

Chapter 155 – Natural Features Overlay District (NFOD) and Slope Hazard Requirements

155.060 Surface Water Features

(C) Type II permitted uses. The Director may approve the following permitted uses within surface water features and their respective setback areas under Type II procedure (review by the Director with public notice). Permitted uses listed below are subject to specific review standards in this section.

- (1) Construction of water-dependent or water-related uses including necessary access.
- (2) Construction, expansion or replacement of a new single-family residence within a required setback area on a legal lot as a hardship adjustment.
- (3) Development requests that are similar in scope and impact to Type II uses listed above, as determined by the Director. The Director shall include the justification for the classification decision in the required notice to affected property owners.

Response: The applicant does not propose construction of structures within the required setback area or in the surface water feature. While the applicant is submitting a Type II application, there are no plans to develop within Ochoco Creek and its respective setback area.

(E) Required setback areas. At a minimum, setback areas shall be required to protect significant surface water features and their riparian areas from development impacts, and to protect approved development from potential natural hazards. Setbacks are measured horizontally from and parallel to the boundary of the protected surface water feature, as indicated in Table 155.1.

Table 6: PDC 155.1: Required Surface Water Setback Areas			
Surface Water Feature	Location	Measured From	Distance
Required Setback from Water Features			
1. Floodway	Within UGB	Flood Insurance Rate Map	As Surveyed
2. Ochoco Creek	Within Entire UGB	Top of riverbank or edge of associated wetland	50 feet

Response: The applicant does not propose any development within approximately 250 feet of Ochoco Creek, as shown on the Preliminary Plan Set (Exhibit D). This exceeds the 50-foot setback from top of riverbank required along Ochoco Creek within the entire Prineville Urban Growth Boundary (UGB). Therefore, this standard is met.

(F) Natural Features Inventory Map refinement process. The location of the Natural Features Overlay District was based on generalized maps for the Prineville urban area found in the Natural Features

Inventory. This section provides a process for refining this generalized map based on site-specific, expert analysis.

- (1)** The precise location of some surface water features - and their respective setback areas - may be refined based on site-specific wetland delineations or engineering studies.
- (2)** Map refinements may be approved separately by the Director under Type II review procedure, or as part of a consolidated land use application. Map refinements do not require an amendment to the adopted Natural Features Inventory.
- (3)** Refinement of the location of an isolated or associated wetland shown in the Natural Features Inventory must be based on a formal wetland delineation and survey with written concurrence by the Department of State Lands.
- (4)** Refinement of the location of top-of-bank of a river, creek, drainage or ditch must be based on a survey prepared by a surveyor licensed by the State of Oregon.
- (5)** The City of Prineville will maintain a record of Natural Features Inventory Map refinements and will establish a regular schedule for updating the Prineville Zoning Map, through a quasi-judicial process, to incorporate new data and include annotations identifying local land use decision case number or Department of State Lands wetland delineation concurrence case number.

Response: The applicant is not proposing any refinement of the Natural Features Inventory Map. Therefore, this provision is not applicable.

(G) Riparian corridor setback adjustments. Setback adjustment for common open space amenities including public trails, parks, covered areas, fenced areas, decks, patios, viewing areas and the like may be approved as part of any development under a Type III review procedure. Except for isolated wetland setbacks, the required setback distances in Table 155.1 may be reduced by not more than 50% when all of the following criteria are met:

Response: The applicant is not proposing any setback adjustments within the Ochoco Creek Riparian Corridor. The proposed trail will be approximately 50 to 100 feet from the creek. Therefore, this provision is not applicable.

(H) Isolated wetland setback reductions. The required 25-foot setback for isolated wetlands shown on the Natural Features Inventory may be reduced by the Planning Commission under a Type III review process based on a formal delineation with Department of State Lands concurrence.

Response: The applicant is not proposing a Type III review for a reduction to the required 25-foot setback for isolated wetlands as no isolated wetlands were found on the project site. Therefore, this provision is not applicable.

(I) General development standards. Uses listed in 155.040 and this section, and permitted under Type II procedure, must meet the following standards:

- (1)** As a general standard, native vegetation shall be preserved and enhanced - and excavation avoided or minimized - within significant surface water features and their required setback areas.
- (2)** The applicant must demonstrate that no practical alternatives exist for the proposed use outside of the protected surface water feature or its required setback area, and that the site

selected has the least impact on water quality, water storage capacity, wildlife habitat and native vegetation.

(3) The applicant shall prepare an impact mitigation plan that considers potential adverse impacts to water quality, water storage capacity, wildlife habitat and native vegetation, and recommends effective mitigation measures.

(4) The Director may contract with a third-party expert to review the application and impact mitigation report and make recommendations, at the applicant's expense, to reduce identified adverse impacts.

(5) The Director shall incorporate selected measures as conditions of approval in a decision to approve the application.

Response: The applicant is not proposing any uses permitted in the surface water setback area under a Type I, Type II, or a Type III procedure. Therefore, this provision is not applicable.

4.0 Oregon Revised Statutes (ORS)

The applicable State of Oregon Revised Statutes (ORS) are set forth below with findings demonstrating the project's consistency with these provisions.

Chapter 197 – Comprehensive Land Use Planning

197.307 Effect of Need for Certain Housing in Urban Growth Areas

(1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

Response: The applicant believes that the proposed multifamily housing development meets the needed housing standard under ORS 197.307. The proposed development is within the City of Prineville's city limits and within Prineville's General Residential zone which allows for denser housing that helps to meet the need for affordable, decent, safe, and sanitary housing.

5.0 Conclusion

As evidenced throughout this narrative and associated documents, the applicant's conditional use, site design review, and boundary adjustment requests are consistent with the applicable local and state policies and regulations governing the allowance of these requests. Therefore, the applicant respectfully requests City of Prineville approval of these applications.