

BURDEN of PROOF STATEMENT for COMPREHENSIVE PLAN MAP AMENDMENT, ZONE CHANGE and TEXT AMENDMENT

APPLICANT: Empire Construction & Development
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LOCATION: The subject property is approximately 2.5 acres and is assigned map/tax lot number 151502DD00500. The property is currently within the City of Prineville Urban Growth Boundary (UGB) and within City limits.

REQUEST: The Applicant requests approval of a comprehensive plan map amendment from Light Industrial to Outlying Commercial and a zone change from M1 to C4 for the subject property, as well as text amendments to Sections 153.030, 153.037 and 153.053 of the City of Prineville Zoning Ordinance.

I. APPLICABLE PROCEDURES AND CRITERIA:

Prineville Development Code, Title XV: Land Usage

- 153.032 Zoning Map and amendments
- 153.230 Authorization to Initiate Amendments
- 153.231 Application for Amendments

City of Prineville Comprehensive Plan

Oregon Administrative Rules (OARs)

- 660-009, Economic Development
- 660-012, Transportation Planning Rule
- 660-015, Oregon Statewide Planning Goals

II. PROPOSED FINDINGS OF FACT:

A. Location:

The subject property is located in the southwest corner of the intersection of Empire Drive and Tom McCall Road in Prineville. The subject property is assigned map/tax lot number 15150022DD00500. The property is within the City of Prineville Urban Growth Boundary (UGB) and within City limits.

B. Lot of Record:

Tax lot 00500 was established as Lot 8 of the Tom McCall Industrial Park Subdivision, recorded on November 22, 2005 as instrument MF203853.

C. Zoning/Plan Designation:

The subject property is designated and zoned light industrial (M1).

D. Site Description & Surrounding Uses:

The subject property is currently vacant and undeveloped. A Facebook/Meta data center is located northeast of the subject property and various smaller light industrial businesses are nearby (companies focused on construction, bed liners, fabrication shops, laundry services, humane society, etc).

E. Proposal:

The Applicant requests approval of the following:

- Zoning Ordinance Text Amendments to Sections 153.030, 153.037 and 153.053 (Exhibit A)
- Comprehensive Plan Map Amendment from Light Industrial to Outlying Commercial
- Zone Change from M1 to C4

F. Exhibits and Attachments:

Exhibit A. Proposed Zoning Ordinance Text Amendments

Exhibit B. Transportation Impact Study

Exhibit C. Deed

Exhibit D. Concept Plan

153.032 ZONING MAP AND AMENDMENTS.

A Zoning Map or Zoning Map Amendment adopted by 153.230 et. seq., or by an amendment thereto, shall be prepared by authority of the City Planning Commission and the City Council, or as may otherwise be provided for by the Urban Growth Management Agreement (UGMA) adopted by the city and the county. The Map or Map Amendments shall be dated with the effective date of the adoption thereof by the jurisdiction designated by the UGMA, and shall be signed by the respective highest elected official and attested to by the respective planning official of the jurisdiction. The signed original, together with a copy thereof, shall be maintained on file in the offices of the City Planning Official, the City Recorder, the County Planning Official and the County Clerk.

RESPONSE: The proposed zoning map amendment will be presented to the Planning Commission and City Council, through public hearing processes.

153.230 AUTHORIZATION TO INITIATE AMENDMENTS.

An amendment to the Comprehensive Plan, text of this chapter or to a zone or plan map may be initiated by the City Council, by the City Planning Commission, by the City Planning Official, by any planning advisory

committees duly appointed by the city, by any planning board established by this chapter or by an application of a property owner or the authorized agent thereof.

RESPONSE: This application proposes three actions: 1. comprehensive plan map amendment, 2. zone change, and 3. zoning ordinance text amendment. The proposed text amendments are proposed by a property owner and are submitted for consideration according to criteria by the Planning Commission and City Council, through public hearing processes.

153.231 APPLICATION FOR AMENDMENTS.

An application for an amendment to the Comprehensive Plan, text of this chapter or to a zone or plan map by a property owner or the authorized agent thereof shall be filed with the City Planning Official on forms prescribed by the city and shall be accompanied by the required filing fee as established by the City Council. For all others authorized to initiate amendments, the City shall be the applicant.

(A) Criteria for Amendments. The burden of proof is upon the applicant. The applicant shall show the proposed change is:

- (1) In conformity with all applicable state statutes;
- (2) In conformity with statewide planning goals and implementing administrative rules when determined to be applicable;
- (3) In conformity with the goals, objectives and policies of the city's Comprehensive Plan;
- (4) Due to a change in circumstance or further studies justifying the amendment or mistake in the original zoning.

RESPONSE: Compliance with applicable state statutes, statewide planning goals, and the City's Comprehensive Plan are demonstrated below. Additionally, the proposed comprehensive plan map amendment, zone change and text amendments respond to a change in the circumstances in the area of the subject property. Over the last decade, the industrial area has grown and developed with a variety of uses, including a large Facebook/Meta datacenter as well as smaller locally owned businesses (fabrication shops, humane society, laundry services, etc). This growth has resulted in a large working population to be onsite during the weekdays, with little to no access to services or conveniences. As a result, employees in this area are forced to travel into town at lunch/break times for services such as food, gas, coffee and minimart items, which has resulted in fairly high single occupancy vehicle trips in the area. The proposed actions (comprehensive plan amendment, zone change and text amendments) directly address the need for convenience services within the industrial area, and to mitigate excess travel times for access to these services.

Conformance with the State Administrative Rules (OARs)

OAR 660-015, Statewide Planning Goals

Goal 1 - Citizen Involvement. *"To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."* Statewide planning Goal 1 requires that the City provide the opportunity for citizens to be involved in the planning process.

RESPONSE: Notice of the public hearing to consider the proposed comprehensive plan map amendment, zone change and zoning ordinance text amendment is expected to be posted, mailed to neighbors, and published in the local newspaper. Citizens will be provided the opportunity to comment on the proposed amendments at the public hearings before the Planning Commission and the City Council, or in writing in advance of the hearings.

Goal 2 - Land Use Planning. *"To establish a land use planning process and policy framework as a basis for all*

decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.” Goal 2 outlines the basic procedures of Oregon's statewide planning program. Land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances are coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed.

RESPONSE: As required by Goal 2, the City has adopted criteria and procedures through the Prineville Land Use Code (Zoning Ordinance, Land Use Development Ordinance of 2011, etc) to evaluate and make land use decisions. Goal 2 requires periodic review and amendments to ordinances as needed and in accordance with the Comprehensive Plan. The proposed amendments meet the requirements of Goal 2 by following the appropriate procedures for amendments and by considering the goals and policies outlined in the Comprehensive Plan. The proposal will be reviewed according to the established local land use regulations, including the City's Zoning Ordinance and the Comprehensive Plan.

Goal 3 - Agricultural Lands

Goal 3 requires counties to inventory agricultural lands and to "preserve and maintain" them through farm zoning outside of urban growth boundaries.

RESPONSE: Goal 3 is not required for compliance within the Urban Growth Boundary. Additionally, the proposed map amendments do not adversely impact the ability of the City to plan for agricultural transition opportunities within the City.

Goal 4 - Forest Lands

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

RESPONSE: The proposed map amendments are consistent with Forest Lands (Goal 4) and Goal policies, as they do not adversely impact the ability of the City to plan for the appropriate transition of Forest lands within the City of Prineville.

Goal 5 - Open Spaces, Scenic and Historic Areas and Natural Resources

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

RESPONSE: The proposed amendments are consistent with Goal 5 and the Goal policies, as they do not adversely impact the ability of the City to protect the important natural resources and environmental elements within the City. The subject property has not been identified or listed as a Goal 5 resource for the City of Prineville.

Goal 6 - Air, Water and Land Resources Quality

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. All waste and process discharges from future development, when combined with such discharges from existing development shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.

RESPONSE: The proposed amendments are consistent with Goal 6 and the Goal policies, as they do not adversely impact the ability of the City to protect air, water, and land resources quality. No construction or development is proposed as part of the application; conceptual plans are included for reference and background (Exhibit D). Any future development of the subject property will be required to submit a site plan application, which will be reviewed for compliance with water, sewer, stormwater, and transportation requirements.

Goal 7 - Natural Hazards

Goal 7 focuses on local government planning to protect people and property from natural hazards.

RESPONSE: The proposed amendments do not impact the City's ability to plan for natural hazards and mitigate risks. The subject property is not within the 100-year floodplain and the applicant is not aware of any known geologic faults on the property. There is no particular designation that makes the subject property more hazardous than any other properties in the area. The proposal is consistent with this goal.

Goal 8 - Recreational Needs

This goal calls for each community to satisfy the recreational needs of the citizens and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

RESPONSE: The proposed amendments do not impact the City's ability to plan for the recreational needs of the citizens and visitors. Additionally, the subject property has not been listed in any inventory of recreational needs, is not needed to provide recreational needs of the citizens of the state, and is not identified as a Goal 8 resources, therefore, Goal 8 is not directly applicable to this proposal.

Goal 9 - Economic Development

Goal 9 calls for diversification and improvement of the economy. It requires communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

RESPONSE: The proposed amendments directly support the City's efforts to accommodate diversification and improvement of the economy by increasing opportunities for a variety of employment uses in the industrial area. The proposed text amendments increase the allowed uses in the C4 zone, and the proposed comprehensive plan amendment + zone change to C4 will create the opportunity for needed local services in this area. As the proposed change is from industrial to commercial, there is no reduction in employment lands.

Goal 10 - Housing

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

RESPONSE: The proposed amendments do not impact the City's ability to provide for the housing needs of its citizens. The proposed amendments will not reduce residential inventories and the subject property has not been contemplated for residential uses.

Goal 11 - Public Facilities and Services

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs. OAR 660-11

implements Goal 11, and notes, "Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons..."

RESPONSE: The proposed amendments do not adversely impact the City's ability to plan and develop a timely, orderly and efficient arrangement of public facilities. As addressed herein, the City has adequate water, sewer and transportation capacities to serve the subject property. No construction or development is proposed as part of the application; conceptual plans are included for reference and background (Exhibit D). Any future development of the subject property will be required to submit a site plan application, which will be reviewed for compliance with water, stormwater, sewer and transportation requirements.

Goal 12 - Transportation

The goal aims to provide "a safe, convenient and economic transportation system." Goal 12 is implemented through the Transportation Planning Rule (TPR), OAR 660-012-0060, in addition to local land use regulations.

RESPONSE: The proposed amendments do not adversely impact the City's ability to provide a safe convenient and economic transportation system. Details of the transportation design within the subject property and connecting to the subject property will be reviewed in detail at the time of site plan application.

Exhibit B includes a transportation impact analysis (TIA) of the proposed zone change and text amendments based on a conceptual site plan. The TIA concludes:

Comparative review of potential build-out scenarios with the existing and zoning scenarios shows that the proposed site plan is less intense than what could be built within the current zoning (which would allow a larger fuel center and more fueling positions). With the existing "worst-case" development potential serving as a trip cap compliance with the Transportation Planning Rule is provided. Any modifications to the sizes or uses shown within the site plan that exceed those values (more than 1,027 weekday daily trips or 96 weekday p.m. peak hour trips) will require additional review of TPR compliance.

Further, in response to the TPR requirements of OAR 660-012-0060(1), the TIA concludes:

As the concurrent site plan shows less trip generation potential than could be generated within the existing zoning a significant impact does not occur. The proposed project does not seek to change the standards of the City's functional classification system, and with a lower trip generation potential than is possible within the existing zoning does not modify any roadway classifications. The site is located within an approved industrial park that allows certain types of supporting commercial services. The type of travel and access is consistent with both the existing and proposed zoning. As the subject property (with concurrent site plan) generates less trips than could be produced within the existing zoning there are no facilities degraded by the rezone.

The reduction in trip generation potential does not degrade the performance of any facilities, existing or planned. Accordingly, with submittal of the rezone application and text amendment, along with the conceptual site plan (which effectively serves as a "trip cap" the site complies with the Transportation Planning Rule. If there are substantial modifications to the site prior to development a revised TPR review will be required. These materials are being coordinated with the City and ODOT as the relevant agencies with jurisdiction over the impacted transportation facilities, in compliance with Section (4).

Exhibit B can be referenced for additional details of the analysis.

Goal 13 - Energy Conservation

Goal 13 requires that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

RESPONSE: The proposed amendments do not adversely impact the City's ability to create an arrangement and density of land uses to encourage energy conservation. In fact, the proposed amendments support the development of land within the UGB, rather than outside of the UGB. Development of land within the UGB encourages reduced vehicle miles traveled by keeping the destination within the city, rather than other regional cities or areas outside the city, supporting the City's goals for conservation. More specifically, the proposed amendments are the first step to entitle the property to provide local convenience services within the industrial area in order to mitigate excess travel times for access to these services. Over the last decade, the industrial area has grown and developed with a variety of uses, including a large Facebook/Meta datacenter as well as smaller locally owned businesses (fabrication shops, humane society, laundry services, etc). This growth has resulted in a large working population in the area during the weekdays, with little to no access to services or conveniences. As a result, employees in this area are forced to travel into town at lunch/break times for services such as food, gas, coffee and minimart items, which has resulted in fairly high single occupancy vehicle trips in the area. The proposal directly supports Goal 13 by entitling a property in order to reduce energy usage in travel time to/from the area to reach services. As such, compliance with Goal 13 is maintained.

Goal 14 - Urbanization

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It requires cities to provide for an orderly and efficient transition from rural to urban land uses, and to accommodate urban population and employment inside urban growth boundaries, while ensuring efficient use of land.

RESPONSE: The proposed amendments directly support the City's efforts to accommodate urban populations and employment inside the urban growth boundary by creating a variety of employment land within the UGB, and more specifically, by entitling employment land that can house convenience services to serve employment lands in the industrial area.

Goals 15-19

RESPONSE: These goals pertain only to areas in western Oregon and are not applicable to these amendments.

OAR 660-009, Economic Development

660-009-0000

Intent and Purpose

The intent of the Land Conservation and Development Commission is to provide an adequate land supply for economic development and employment growth in Oregon. The intent of this division is to link planning for an adequate land supply to infrastructure planning, community involvement and coordination among local governments and the state. The purpose of this division is to implement Goal 9, Economy of the State (OAR 660-015-0000(9)), and ORS 197.712(2)(a) to (d). This division responds to legislative direction to assure that comprehensive plans and land use regulations are updated to provide adequate opportunities for a variety of economic activities throughout the state (ORS 197.712(1)) and to assure that comprehensive plans are based on information about state and national economic trends (ORS 197.717(2)).

RESPONSE: The proposed Comprehensive Plan text amendment, Comprehensive Plan map amendment and Zone Change are directly supportive of the intent and purpose of OAR 660-009, to assist in providing an adequate land supply for economic development and employment growth in the City of Prineville. The text amendments expand the allowed uses of the C4 zone and the comprehensive plan map amendment/zone change increases the variety of types of employment land available within city limits. Both the quantity and type of employment lands available are critical to providing adequate supply of land, which are both addressed in the submitted applications.

660-009-0025

Designation of Lands for Industrial and Other Employment Uses

Cities and counties must adopt measures adequate to implement policies adopted pursuant to OAR 660-009-0020. Appropriate implementing measures include amendments to plan and zone map designations, land use regulations, public facility plans, and transportation system plans.

RESPONSE: Chapter 5 of the City’s Comprehensive Plan includes Goal #1 with several policies; most notable to this application is:

Updates to the inventories may be required in response to redevelopment, proposed zone changes, mixed-use development techniques and planned unit developments that enable “complete neighborhood” concepts and economic development opportunities.

This policy suggests that the City values the idea of mixed uses and integration of uses, rather than singular uses in an area, in its support of “complete neighborhood” concepts. The proposed applications entitle the subject property in order to introduce a variety of commercial convenience services to an area that is largely homogenous with industrial uses. The addition of a commercial convenience area is a start to providing more diverse uses and services in the immediate area.

(1) Identification of Needed Sites. The plan must identify the approximate number, acreage and site characteristics of sites needed to accommodate industrial and other employment uses to implement plan policies. Plans do not need to provide a different type of site for each industrial or other employment use. Compatible uses with similar site characteristics may be combined into broad site categories. Several broad site categories will provide for industrial and other employment uses likely to occur in most planning areas. Cities and counties may also designate mixed-use zones to meet multiple needs in a given location.

(2) Total Land Supply. Plans must designate serviceable land suitable to meet the site needs identified in section (1) of this rule. Except as provided for in section (5) of this rule, the total acreage of land designated must at least equal the total projected land needs for each industrial or other employment use category identified in the plan during the 20-year planning period.

RESPONSE: These amendments are proposed by a property owner, not the City. As such, the property owner is not required to develop the City’s 20-year planning forecast needs for industrial lands. However, the proposal directly supports the intent of the above requirements to provide a site for needed industrial and other employment uses, including being able to offer an increased mix of uses in the industrial park area, including convenience commercial uses that support the employees and other uses in the area.

(3) Short-Term Supply of Land. Plans for cities and counties within a Metropolitan Planning Organization or cities and counties that adopt policies relating to the short-term supply of land must designate suitable land

to respond to economic development opportunities as they arise. Cities and counties may maintain the short-term supply of land according to the strategies adopted pursuant to OAR 660-009-0020(2).

(a) Except as provided for in subsections (b) and (c), cities and counties subject to this section must provide at least 25 percent of the total land supply within the urban growth boundary designated for industrial and other employment uses as short-term supply.

(b) Affected cities and counties that are unable to achieve the target in subsection (a) above may set an alternative target based on their economic opportunities analysis.

(c) A planning area with 10 percent or more of the total land supply enrolled in Oregon’s industrial site certification program pursuant to ORS 284.565 satisfies the requirements of this section.

RESPONSE: The City’s Comprehensive Plan includes policies to ensure adequate supply of lands, however, does not specifically include policies and data related to the short-term supply of land. However, this proposal directly supports an immediate short-term need for commercial convenience land (C4 zone), as there are currently no properties within the City zoned as such. The short term need for this commercial convenience land is immediate, as large numbers of employees are located in the industrial area, with no access to commercial conveniences in the vicinity. This proposal would enable the development of 2.5 acres of industrial land to respond to the current short-term needs.

(4) If cities and counties are required to prepare a public facility plan or transportation system plan by OAR chapter 660, division 011 or division 012, the city or county must complete subsections (a) to (c) of this section at the time of periodic review. Requirements of this rule apply only to city and county decisions made at the time of periodic review...

RESPONSE: This section is not applicable as the City is not undertaking a public facilities plan or transportation planning activities as part of this application.

(5) Institutional Uses. Cities and counties are not required to designate institutional uses on privately owned land when implementing section (2) of this rule. Cities and counties may designate land in an industrial or other employment land category to compensate for any institutional land demand that is not designated under this section...

RESPONSE: This section is not applicable as the City is not evaluating institutional uses or institutional lands as part of this application.

(6) Compatibility. Cities and counties are strongly encouraged to manage encroachment and intrusion of uses incompatible with industrial and other employment uses. Strategies for managing encroachment and intrusion of incompatible uses include, but are not limited to, transition areas around uses having negative impacts on surrounding areas, design criteria, district designations, and limiting non-essential uses within districts.

RESPONSE: The subject property, proposed to be zone commercial convenience, is appropriately located, for multiple reasons:

- Subject property is located in the industrial area, which currently lacks access to commercial conveniences such as food, gas, coffee and office space.
- The proposal is complimentary to the industrial zone that currently exists, providing services to the employers and employees in the area.
- Subject property abuts two streets, providing easy access and visibility.

No encroachment or intrusion of incompatible uses will result from this proposal; rather, it is an expansion of services offered in the industrial zone that will reduce travel times to such services. No uses or structures are immediately adjacent to the subject property to the west, or any other side. Immediately to the east, the subject property is bordered by Tom McCall Road, a natural buffer between properties. To the north, the property is bordered by Empire Drive, also a buffer to nearby properties.

In fact, as noted previously, Chapter 5 of the City's Comprehensive Plan includes Goal #1 with several policies; most notable to this application is:

Updates to the inventories may be required in response to redevelopment, proposed zone changes, mixed-use development techniques and planned unit developments that enable "complete neighborhood" concepts and economic development opportunities.

This policy suggests that the City values the idea of mixed uses and integration of uses, rather than singular uses in an area, in its support of "complete neighborhood" concepts. The proposed applications entitle the subject property in order to introduce a variety of commercial convenience services to an area that is largely homogenous with industrial uses. The addition of a commercial convenience area is a start to providing more diverse uses and services in the immediate area.

(7) Availability. Cities and counties may consider land availability when designating the short-term supply of land. Available land is vacant or developed land likely to be on the market for sale or lease at prices consistent with the local real estate market. Methods for determining lack of availability include, but are not limited to:

- (a) Bona fide offers for purchase or purchase options in excess of real market value have been rejected in the last 24 months;**
- (b) A site is listed for sale at more than 150 percent of real market values;**
- (c) An owner has not made timely response to inquiries from local or state economic development officials; or**
- (d) Sites in an industrial or other employment land category lack diversity of ownership within a planning area when a single owner or entity controls more than 51 percent of those sites.**

RESPONSE: Currently, no properties within the City are zoned commercial convenience (C4).

...

OAR 660-012-0060, Transportation Planning Rule

660-012-0060 Plan and Land Use Regulation Amendments

1. If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

RESPONSE: As the concurrent site plan shows less trip generation potential than could be generated within the existing zoning a significant impact does not occur. The proposed zone change will not result in the need for additional changes to the functional classification of existing or planned

transportation facilities. Accordingly, this section is not triggered.

(b) Change standards implementing a functional classification system; or

RESPONSE: The proposed project does not seek to change the standards of the City's functional classification system, and with a lower trip generation potential than is possible within the existing zoning does not modify any roadway classifications.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

RESPONSE: Exhibit B includes a transportation impact analysis (TIA) of the proposed zone change and text amendments based on a conceptual site plan. The TIA concludes:

Comparative review of potential build-out scenarios with the existing and zoning scenarios shows that the proposed site plan is less intense than what could be built within the current zoning (which would allow a larger fuel center and more fueling positions). With the existing "worst-case" development potential serving as a trip cap compliance with the Transportation Planning Rule is provided. Any modifications to the sizes or uses shown within the site plan that exceed those values (more than 1,027 weekday daily trips or 96 weekday p.m. peak hour trips) will require additional review of TPR compliance.

Further, in response to the TPR requirements of OAR 660-012-0060(1), the TIA concludes:

The site is located within an approved industrial park that allows certain types of supporting commercial services. The type of travel and access is consistent with both the existing and proposed zoning. As the subject property (with concurrent site plan) generates less trips than could be produced within the existing zoning there are no facilities degraded by the rezone.

The reduction in trip generation potential does not degrade the performance of any facilities, existing or planned. Accordingly, with submittal of the rezone application and text amendment, along with the conceptual site plan (which effectively serves as a "trip cap" the site complies with the Transportation Planning Rule. If there are substantial modifications to the site prior to development a revised TPR

review will be required. These materials are being coordinated with the City and ODOT as the relevant agencies with jurisdiction over the impacted transportation facilities, in compliance with Section (4).

Exhibit B can be referenced for additional details of the analysis.

Conformance with the City of Prineville Comprehensive Plan

Chapter 1 Community Characteristics

Goal # 1: Improve the function and appearance of the community's residential neighborhoods, commercial and industrial areas.

RESPONSE: As noted previously, the current industrial area around the subject property lacks commercial conveniences for the employees in the area, such as gas, convenience mart, coffee hut, and restaurants. The proposed applications directly support this City goal by entitling the subject property to provide these commercial conveniences in a small-scale format. This will reduce vehicle trips outside the area, further improving the industrial area by reducing traffic and energy spent.

Chapter 2 Urban Land Uses and Zoning Regulations

Goal # 1: Create land use zones and land use regulations that enhance Prineville without sacrificing community values.

RESPONSE: Chapter 2 continues under Goal 1 to list "Industrial Zone Values and Policies", noting several items, including:

- *Industrial zones should provide places for manufacturing, repair, with potential for high concentrations of jobs, products, and services in areas that can be conveniently served by transportation and easily accessed by high numbers of employees.*
- *Industrial areas that provide mixed-use opportunities and service uses for employees can reduce excess vehicle trips and community subsidy. They should be encouraged in industrial zones subject to proper siting and regulations that limit standard or non-workforce housing.*

The proposed applications directly support this goal and subsequent policies of providing services in an area that can be conveniently accessed by a high number of employees. Currently, access to commercial conveniences does not exist in the industrial area around the subject property; the proposed applications aim to remedy this, in support of Chapter 2's Goal #1 of the City's Comprehensive Plan.

Goal # 4: Establish appropriate land use regulations to support a sustainable community

RESPONSE: Goal #4 of Chapter 2 is supported by several values and policies, including:

The City shall:

...

5. Promote land use regulations that encourage energy conservation and reduce air pollution.

...

The proposed applications directly support this goal and subsequent policy by entitling the subject property to provide commercial convenience uses in the industrial area, reducing the need for employees to travel outside the area for some daily conveniences (gas, food, coffee, etc.). By providing these services nearby the industrial workplaces, miles traveled in the area can be reduced, directly reducing energy usage and associated air pollution.

Chapter 5 Economy

Goal # 1: Provide adequate industrial and commercial land inventories to satisfy the urban development needs of Prineville for at least the 20 year planning horizon.

RESPONSE: Chapter 5's Goal #1 includes several policies; most notable to this application is:

Updates to the inventories may be required in response to redevelopment, proposed zone changes, mixed-use development techniques and planned unit developments that enable "complete neighborhood" concepts and economic development opportunities.

This policy suggests that the City values the idea of mixed uses and integration of uses, rather than singular uses in an area, in its support of "complete neighborhood" concepts. The proposed applications entitle the subject property in order to introduce a variety of commercial convenience services to an area that is largely homogenous with industrial uses. The addition of a commercial convenience area is a start to providing more diverse uses and services in the immediate area.

Chapter 8 Public Services and Facilities

Goal # 2: Create a system of conservation practices for public resources, services, and related facilities.

RESPONSE: The proposed applications directly support this goal by entitling the subject property to provide commercial convenience uses in the industrial area, reducing the need for employees to travel outside the area for some daily conveniences (gas, food, coffee, etc.). By providing these services nearby the industrial workplaces, miles traveled in the area can be reduced, directly reducing usage and impacts to the local transportation facilities.