

**BURDEN OF PROOF
DESIGN REVIEW APPLICATION
CONDITIONAL USE PERMIT TYPE II
PRINEVILLE OREGON**

MULTI-FAMILY HOUSING

Owner/Applicant: BestCare Treatment Services Inc.
PO Box 1710
Redmond, Oregon 97754

Representatives: Pinnacle Architecture
Mark Rossi
1001 SW Disk Drive, STE. 105
Bend, Oregon 97702

Location: 996 NW Madras Hwy,
Prineville, Oregon 97754

Reference Parcel No.: Tax Lot 1000 Map No. 14S16E31CB

Comp. Plan Designation: C2 (General Commercial)

Zoning Designation: Commercial

Property Size: ±1 acre (+/-43,560 SF)

Proposal: Site plan Approval for a new 9 Dwelling Multi Housing Complex with an additional structure for office, restrooms, and laundry facility.

Date: March 2025

PROJECT OVERVIEW & DESCRIPTION

The applicant intends to develop the +/-1-acre property located northeast of NW Madras Highway and northwest of NW Studebaker Drive. The development will provide 9 dwellings for multi-family housing and one additional unit for office and laundry. The project is proposed in 2 phases with the front four homes in phase 2. The proposed project will take access off NW Madras Hwy under the jurisdiction of Oregon Department of Transportation (ODOT).

The applicant proposes to construct 9 landscaped dwellings each proposed at +/-288 square feet. In addition to the 9 dwellings there will be a 10th structure for laundry facilities (washers and dryers) and office. Each site is proposed to have municipal sewer and water from a single meter for the entire lot.

The site is currently developed with a homesite and detached garage that will be demolished prior to construction.

The site consists primarily of Powder silt loam, 0 to 2 percent slopes (65.8%) and Metolius ashy sandy loam, 0 to 2 percent slopes (34.2%). The site is vegetated with grass and shrubs, with minimal bare soil. The northern portion of the is located within an identified flood zone.

The subject property is currently designated as General Commercial (C2) by the City of Prineville. The proposed land use for multi-family (cottage clusters) housing which is permitted within C2 zoning through a Type II Conditional Use Permit and public hearing process. This application for residential development is subject to both City and State criteria and standards. Accordingly, the applicant shall address all the applicable criteria and standards of the Madras Municipal Code that pertain to Development Requirements for the Cottage Cluster Development.

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PRINEVILLE MUNICIPAL CODE

GENERAL PROVISIONS

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.

FINDINGS OF FACT: Applicant acknowledges that this development proposal 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.

FINDINGS OF FACT: The applicant shall address all applicable standards prior to final approval of this land use development.

(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

(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.

FINDINGS OF FACT: The applicant shall address 1-14 above where applicable to this development within this document and final planning packet.

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.

FINDINGS OF FACT: The application and proposal are compatible with the City Comprehensive Plan 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.

(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.

FINDINGS OF FACT: The subject land is zoned General Commercial (G2) within the Prineville Land Development Code. For Residential Uses Multi-family dwelling complexes of more than four units are allowable through a Type 2 Conditional Use.

Use Classifications	C1	C2	C3	C4	C5	M1	M2	IP	Comments:
<i>Similar uses are allowed and processed as the similar use; unless specifically stated in another zone.</i>									
Existing Uses									
Expansion of existing public use	0	0	0	0	0	0	0	0	
Replacement of an existing dwelling	0	0	0	0	0	0	0	0	
Expansion of an approved conditional use	T1								
Residential Uses/Accessory Uses									
Bed and breakfast facility (in an existing dwelling)	0	0	T1		0				153.083(C)
Boarding, lodging, rooming house or homeless shelter	T2	T2							
Child Care Home (in an existing dwelling)	0	0	0	0	0	0	0	0	
Nursing Home (Elderly Assisted housing)		T2							153.083(O)
Home Occupation	0	0	0	0	0	0	0		153.083(E)
Multi-family dwelling complexes of more than four units	T2	T2							153.083(H)

FINDINGS OF FACT: The proposed project will be described in further detail in this document.

(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.

FINDINGS OF FACT: Applicant acknowledges (C) above and all permits from other local, state and/or federal agencies, evidence of the approval or permit compliance is established or can be assured prior to final approval.

(D) The proposal is in compliance with specific standards, conditions and limitations set forth for the subject use in the applicable zone, this section and this chapter.

FINDINGS OF FACT: Applicant will assure compliance with specific standards, conditions and limitations set forth for the subject use in the applicable zone.

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

FINDINGS OF FACT: Applicant shall be working with the City of Prineville to ensure adequate resources or public facility carrying capacities are not 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.

FINDINGS OF FACT: Applicant acknowledges (F) above.

(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.

FINDINGS OF FACT: Acknowledged

(H) Boats, trailers, travel trailers, pick-up campers, recreational vehicles, motor homes and similar recreational vehicles and equipment that is operational and licensed as required may be stored on a lot owned by the same person or family member, but shall not be used for permanent occupancy other than that permitted in 153.095 (D)(E)(F).

FINDINGS OF FACT: (H) above is acknowledged and no trailers, travel trailers, pick-up campers, recreational vehicles, motor homes and similar recreational vehicles and equipment that is operational shall not be used for permanent occupancy other than that permitted in 153.095(D)(E)(F).

(I) Requiring an Emergency Management and Response Plan approved by the Fire Marshall 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.

FINDINGS OF FACT: The Fire Marshall will require a separate sign-off on plans prior to submitting for building permits. If required, the applicant shall develop a plan for providing adequate rescue capability if required. A flow test was conducted and is included within this packet.

ZONING TABLES

153.036 Residential Dimensional Standards

	R-1 Limited	R-2 General	R-3 Low Density	R-4 Redevelopment	R-5 High Density
Minimum lot area (public water and sewer required)					
Accessory Dwelling Unit (ADU)	In conjunction with Single Family Dwelling				Zone Standards
Single family dwelling/Duplex	6,500 sf	5,000 sf	10,000sf	4,000sf	Zone Standards
Duplex (Within designated hazard areas)	N/A	7,500 sf	N/A	6,500 sf	Zone Standards
Townhome Lots (2-lots) 153.084(C)	N/A	3,750 sf	N/A	3,250 sf	Zone Standards
Triplex	N/A	9,000 sf	N/A	8,000 sf	Zone Standards
Fourplex	N/A	10,500 sf	N/A	9,500 sf	Zone Standards
Additional area for each unit over 4	N/A	+1,500 sf	N/A	+1,250 sf	Zone Standards
Townhome Subdivision (3 or more lots) 153.094	N/A	As Approved	N/A	As Approved	Zone Standards
Townhome Multiplex	N/A	N/A	N/A	N/A	Zone Standards
Non-residential uses	N/A	Based on requirements of use—and preservation of residential character of neighborhood	N/A	Based on requirements of use and preservation of residential character of neighborhood	Zone Standards
Min. Net Density for Subdivision ¹	3/acre	4/acre	2/acre	6/acre	12/acre
Max. Net Density for Land Division	Calculated based on "Net Density" definition				

Minimum lot area (no public water or sewer available) ²		
Single family dwelling	On existing lots or parcels only with approved water supply and sewage disposal system.	
Accessory Dwelling Unit (ADU)	In conjunction with Single Family Dwelling with approved water supply and sewage disposal system.	

¹ The City may grant an exception to the minimum density standards based on site specific issues that make such density infeasible such as: steep slopes, floodplain, and wetlands.

² Water supplies are reviewed and sewage disposal systems are approved through the Crook County Community Development Department

FINDINGS OF FACT: The proposed development is for nine (9) +/-288 square foot dwellings plus one +/-340 square foot building for laundry facility and restroom. The lot size +/-43,560 square_

feet. Using the required minimum lot area for Fourplex (as recommended by the Planning Director) 10,500 sf required with an additional area for each unit over 4 of +1,500 sf. the lot size meets the minimum density. The project site is +/-43,560 sf. The required square footage for the proposed ten (10) structures equals 4 at 10,500 sf plus 6 x 1,500 sf totaling +/-9,000 sf. Total area required for the minimum density = 19,500 sf. The lot size of 43,560 sf is more than adequate to accommodate the dwellings and laundry facility and meet the minimum density requirement.

	R1	R2	R3	R4	R5
Minimum Setbacks for structures (ft.): <i>See 153.117 for exceptions to setbacks.</i>					
Front yard (local street)	10	10	10	10	0
Front yard (Collector or Arterial) ⁵	10	10	10	10	0
Carport/Garage entrance to Public street/Alley	20	20	20	20	20
Carport/Garage entrance to Public sidewalk	25	25	25	25	25
Side yard	5	5	5	5	0/ 5
Side yard corner lot (street side)	10	10	10	10	0
Side & Rear yard multi-story multi-family or 3 or more consecutive townhomes	10	10	10	10	0/ 5
Rear yard	10	10	10	5	0/ 20 ⁵
Rear yard corner lot	5	5	5	5	0 / 20 ⁵
Rear yard adjacent to alley	10	5	5	5	0
Accessory (no building permit)	3	3	3	3	3
Projections into setback ⁴	2	2	2	2	2

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

⁴ May project 2 feet into a setback provided the projection is not closer than 3 feet to a property line.

⁵ If the rear property line is adjacent to a residential zone, the setback is 20 feet.

Minimum Street Frontage (ft.): <i>See 153.191(C) for exceptions.</i>					
Standard Street	50	50	100	40	Zone Standards
Cul-de-sac	35	35	50	35	Zone Standards
Townhome Lot (2 lots) 153.084(C)	N/A	25	N/A	25	Zone Standards
Flag Lot	N/A	20	N/A	20	20
Townhouse Lots	N/A	As Approved	N/A	As Approved	Zone Standards

Maximum Building Coverage (%): <i>Open air covered porches are excluded from lot coverage.</i>					
All Buildings (percentage of lot) ⁸	30%	35%	30%	35% (40% replacing dilapidated structure)	Determined by parking, landscaping, drainage

⁸ The calculation for lot coverage excludes up to 500sq.ft. of a garage or attached carport

FINDINGS OF FACT: The dwelling layout as shown on the site map meets the R2 setbacks for structures. Front yard 10 feet, side yard 5 feet, and rear yard 10 feet. The dwellings are all proposed as single story and meet these setbacks.

	R1	R2	R3	R4	R5
Maximum Height (ft.): <i>Measured to the highest point from the natural grade, grade is averaged on sloped properties.</i>					
All Buildings/Structures	30 ft.	35 ft.	35 ft.	35 ft.	Design approval above 35ft.
Multi-family/3 or more consecutive Townhomes (side & rear setbacks)	N/A	Additional 1ft setback for every 1ft above 25ft	N/A	Additional 1ft setback for every 1ft above 25ft	Determined by adjacent use
Exceptions to height limit	Hospitals, churches and public schools may be increased to 45 feet	Hospitals, churches and public schools may be increased to 45 feet	Hospitals, churches and public schools may be increased to 45 feet	Hospitals, churches and public schools may be increased to 45 feet	Adjacent to Street or commercial zone 45ft.
Clear Vision - street intersection (measured from curb)	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Clear Vision - alley or pedestrian path (measured from curb or edge)	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.

FINDINGS OF FACT: All proposed dwelling do not exceed the maximum height of 35 feet. Clear vision -street intersection measured from curb exceeds the minimum of 25 feet. Clear vision – ally or pedestrian path measured from curb or edge meets the 15-foot requirement. Criterion is met with this proposed development.

Minimum Street Frontage (ft.): <i>See 153.191(C) for exceptions.</i>					
Standard Street	50	50	100	40	Zone Standards
Cul-de-sac	35	35	50	35	Zone Standards
Townhome Lot (2 lots) 153.084(C)	N/A	25	N/A	25	Zone Standards
Flag Lot	N/A	20	N/A	20	20
Townhouse Lots	N/A	As Approved	N/A	As Approved	Zone Standards

FINDINGS OF FACT: The minimum standard street frontage in R2 is 50 feet. The frontage of the proposed project site is +/-148 meeting this standard.

Maximum Building Coverage (%): <i>Open air covered porches are excluded from lot coverage.</i>					
All Buildings (percentage of lot) [®]	30%	35%	30%	35% (40% replacing dilapidated structure)	Determined by parking, landscaping, drainage

[®] The calculation for lot coverage excludes up to 500sq.ft. of a garage or attached carport

FINDINGS OF FACT: The maximum building coverage for R2 zoning is 35%. The proposed development has 6.6% of building coverage meeting this criterion.

153.037 Commercial & Industrial Use Table

153.037 COMMERCIAL & INDUSTRIAL USE TABLE

Storage codes

No outdoor storage unless otherwise noted.	Staging for daily pickup and drop off of equipment and materials permitted.
¹ Screened Outside Storage:	Structural, Sight obscuring fence, or Vegetation shall be required
² Open Outside Storage:	Screening may be required during approval process.

Use Classifications

C1 C2 C3 C4 C5 M1 M2 IP Comments:

Similar uses are allowed and processed as the similar use; unless specifically stated in another zone.

Existing Uses

Expansion of existing public use	0	0	0	0	0	0	0	0	
Replacement of an existing dwelling	0	0	0	0	0	0	0	0	
Expansion of an approved conditional use	T1								

Residential Uses/Accessory Uses

Bed and breakfast facility (in an existing dwelling)	0	0	T1		0				153.083(C)
Boarding, lodging, rooming house or homeless shelter	T2	T2							
Child Care Home (in an existing dwelling)	0	0	0	0	0	0	0	0	
Nursing Home (Elderly Assisted housing)		T2							153.083(O)
Home Occupation	0	0	0	0	0	0	0		153.083(E)
Multi-family dwelling complexes of more than four units	T2	T2							153.083(H)
Resumption or replacement of a residential use where the subject use has previously been conducted and the structure has not been removed for a period of more than one year.	0	0	0	0	0	0	0		
Residential use above commercial ground floor	T1	T1	T1	T1	T1				
Residential use above commercial ground floor (with off street parking)	0	0	0	0	0				
Residential use on ground floor < 30%	T1	T1	T1	T1	T1				Not in front of Bldg., in conjunction with commercial use.
Residence, including a modular or manufactured home for a caretaker or night watchman on property with an existing industrial or commercial use permitted in this zone, or for the owner/operator of the use.		T1				0	0		153.095
Residential Care Facility	T2	T1	T1						153.083(A)

FINDINGS OF FACT: Multi-family dwelling complexes of more than four units can be approved within C2 zoning through a Type 2 Conditional Use review procedure.

SPECIFIC ZONE REQUIREMENTS

153.051 General Commercial C-2 Zone

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

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

FINDINGS OF FACT: The zoning for the proposed project is listed as General Commercial (C2). Within this zoning there are a variety of uses allowed, some outright and others requiring a Conditional Use Permit Type II procedure. The proposed development will be reviewed under the Conditional Use Type II procedure.

The property is currently used as residential with a homesite and detached garage. The new proposal for 9 dwellings provides the City of Prineville an opportunity to supply low-income renters with an opportunity to housing. This is a long-term making of much-needed housing that is affordable. The site is also located within the Dial a Ride boundary giving the residents alternatives to travel. The site is conveniently located for walking and bicycling to stores within the city.

The project site has a wetland on the north side reducing the desirability for placing commercial type businesses that may require larger usable acreage. With that and the need for affordable housing this location provides an ideal place for this development.

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

FINDINGS OF FACT: Section 153.083 is addressed further in this document for specific conditions.

(C) Design Review. Provisions set forth in 153.020 & 153.021 as applicable.

FINDINGS OF FACT: Applicant acknowledges the provision set forth in 153.020 & 153.021 and has addressed as applicable.

(D) Off-street parking and loading. Provided in accordance with the provisions set forth in 153.085 and 153.086.

FINDINGS OF FACT: Off-street parking is addressed in this document under 153.086.

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

FINDINGS OF FACT: Landscaping is addressed in this document under 153.087.

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

FINDINGS OF FACT: The street fronting the proposed development is the Madras Highway under the jurisdiction of Oregon Department of Transportation (ODOT). Applicant will coordinate with ODOT for point of access, and any potential frontage improvements. There is currently an off-street path within the right-of-way along the frontage of the subject property. The applicant shall work closely with ODOT for any curb and drainage requirements for the project.

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

FINDINGS OF FACT: The subject property does display an area within the 100-year floodplain as shown on the map below. All development will occur outside of this floodplain zone and this area will be avoided with no proposed impacts. The subject property does not lie within the Natural Features Overlay District.



(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 a C-2 Zone is 8ft. Greater widths may be required; the following is guidance for certain situations:

FINDINGS OF FACT: Applicant acknowledges (h) above. There are currently sidewalks with the current off-street path within the ODOT ROW.

(1) When replacing existing sidewalks greater than 8 feet they shall be replaced at the greater width. Unless approved otherwise under design review incorporating landscaping against an existing building.

FINDINGS OF FACT: Acknowledged.

(2) When replacing sidewalks less than 8 feet wide the sidewalk shall be widened.

FINDINGS OF FACT: Acknowledged.

(3) Sidewalks shall not be less than existing sidewalks to which the new or replacement sidewalk is connected. If the general pattern of the street has sidewalks greater than 8 feet then the larger shall be required.

FINDINGS OF FACT: Acknowledged.

(I) Outdoor merchandising. Outdoor merchandising is permitted only as set forth in this section and in 153.093.

FINDINGS OF FACT: No outdoor merchandising will occur.

(J) Signs. In a C-2 Zone, signs are permitted in accordance with the provisions set forth in Chapter 152 as amended.

FINDINGS OF FACT: No signs are proposed.

(K) Use limitations. In a C-2 zone, permitted uses shall be subject to the following limitations and standards:

(1) Except for drive-in service windows and/or as approved otherwise by the city, all business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building. Display of merchandise along the outside wall of the building shall only be permitted on private property, and shall not in any case preclude pedestrian use of walkways, sidewalks or other pedestrian facilities; these limitations do not apply to the outside display of merchandise during a merchants or community sponsored promotional sale, or to the outside display of merchandise confined to an area or facility designed for such purpose and approved by the city.

FINDINGS OF FACT: No applicable to this application for 9 dwellings and one building for laundry facilities.

(2) All nonresidential uses permitted in this zone shall be screened from abutting residential uses by a sight-obscuring fence except as otherwise approved by the city.

FINDINGS OF FACT: The proposed development is residential. N/A

(3) Nuisance. 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.

FINDINGS OF FACT: The proposed 9 dwellings will not create or cause to be created any public nuisance, including but not limited to odor, dust, noise, vibration, flashing light, or any hazard to the general health, safety, and welfare of the area.

Housing is to be provided for individuals under the oversight of Best Care. Best Care is focused on helping individuals by offering them tools, medical assistance, and compassion, allowing individuals to help inspire change. The Best Care providers places an entire support team for ongoing tools and support that is needed to get well and stay well for the long run. This proposed development will create and cultivate an environment where individuals are able to live in homes and be part of the community.

SUPPLEMENTARY PROVISIONS

153.083 Standards For Specific Uses

A use shall comply with the standards of the zone in which it is located, with the specific standards that may be applicable thereto as set forth by this section, with any additional standards and conditions that may be set forth by the reviewing authority and with any other applicable local, state and/or federal regulations.

(A) Residential care facility or residential care home. When permitted as a conditional use, the facilities shall be subject to the following conditions and limitations:

FINDINGS OF FACT: N/A this is not a residential care facility.

(H) Multi-family dwelling complex. A multi-family dwelling complex permitted as a conditional use shall comply with the following standards and conditions, and the compliance shall be evident prior to occupancy except as may otherwise be approved by the city.

(1) All such complexes with more than 20 dwelling units shall be so located as to have direct access onto an improved arterial or major collector street unless approved otherwise by the city.

FINDINGS OF FACT: The proposal is for 9 dwellings and 1 laundry building, therefore (1) is not applicable for this application. However, the 10-structure complex is located to have direct access onto an improved State Highway.

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

FINDINGS OF FACT: Proposed project provides an improved ingress and egress as shown on site plan.

(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.

FINDINGS OF FACT: The two-way access provides a minimum of 30+ feet at the intersection of the state highway with apron, the access internal drive lane is 24” as required for two-way traffic. The access road and parking facility shall be improved and maintained with durable and dustless surfaces and as approved by the City Superintendent of Streets.

(4) Sidewalks, walkways, bicycle paths and other pedestrian ways may be required. The walks, paths and ways shall not be less than four feet in width and shall be surfaced with concrete, asphalt, asphaltic concrete or paving bricks as approved by the City Superintendent of Streets.

FINDINGS OF FACT: All walks, paths, and ways are not less than four feet in width and shall be surfaced with concrete or asphalt.

(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.

FINDINGS OF FACT: Applicant acknowledges (5) above for the possibility of additional 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. However, the size and proposed use for these dwellings will not likely require any additional storage.

(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.

FINDINGS OF FACT: Each individual unit shall be serviced with public water and sewer, electrical power, receptacle for garbage disposal and collection service, and fire hydrants shall be installed as deemed necessary by the City Fire Department.

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

FINDINGS OF FACT: Facilities for incoming and outgoing mail shall be installed in accordance with the requirements of the U.S. Postal Service.

(8) The overall density of the complex shall not exceed the dimensional standards set forth by the applicable zone, except as approved otherwise by the city in accordance with the following factors.

FINDINGS OF FACT: Density of the complex does not exceed the dimensional standards set forth by the applicable zone as noted in 153.036 above in this document.

(a) An increase of 5% in the maximum allowable density for dedicated and improved open space equaling 25% or more of the total land area of the development.

FINDINGS OF FACT: Applicant is not exceeding the maximum allowable density, therefore is not requesting an increase of 5%.

(b) An increase of 5% in the maximum allowable density for the development and maintenance of an approved recreation and/or common use building or other indoor facility.

FINDINGS OF FACT: Applicant is not exceeding the maximum allowable density, therefore is not requesting an increase of 5%.

(c) An increase of 5% for a developed playground area

FINDINGS OF FACT: No playground area is proposed with this development.

(d) An increase of 5% for a developed recreation area including a covered picnic area, basketball and/or tennis court facilities and the like.

FINDINGS OF FACT: Applicant is not exceeding the maximum allowable density, therefore is not requesting an increase of 5%.

(e) As an incentive for development excellent, a total increase of 25% may be permitted if three or more of the foregoing are provided.

FINDINGS OF FACT: Applicant is not exceeding the maximum allowable density, therefore is not requesting an increase.

(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.

FINDINGS OF FACT: Recreational space provided for the complex totals 13,525 sf with each unit provided 125 sf meeting this criterion. The property also provides open space for recreation on the back side as shown on the site plan.

(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.

FINDINGS OF FACT: The proposed project will not have recreation vehicles, camp trailers, boats and similar recreational equipment located on the project site.

(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.

FINDINGS OF FACT: Washing and drying facilities are provided within the development in the 10th unit.

(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.

FINDINGS OF FACT: The proposal includes a 6-foot-high sight-obscuring fence as shown on the tentative site plan surrounding the project site.

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

(1) Structures shall not be located on a major collector or arterial streets unless;

(2) The property is determined not to be commercially viable based on size, location and surrounding uses.

FINDINGS OF FACT: The project location is not determined to be commercially viable based on the unusable area of the site due to the size of the wetlands and the 100-year flood plain located in the north portion of the property. Based on the Prineville GIS Water Layer the 100-year AE flood plain covers +/-39% of the property, leaving +/-0.61 acre for commercial development. The proposed development is designed to avoid the 100-year flood plain and wetlands leaving them intact for environmentally beneficial uses.

(3) Provisions for the future conversion to a commercial business should be considered when placing a

residence on a lot.

FINDINGS OF FACT: The proposed dwellings are designed so that a future conversion to a commercial business would be easily accommodated with the removal of these structures. There would be no major or minor demolition required to convert it into commercial.

153.085 Off-Street Parking and Loading: Provisions and Requirements

(A) The provision and maintenance of off-street parking and loading facilities are continuing obligations of the property owner. No building permit shall be issued until plans are submitted and approved by the city that show property that is and will remain available for exclusive use as off-street parking and loading facilities as required by this section and this chapter. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the required parking and loading facilities set forth by this section and this chapter. It is not, however, the intent of these provisions to require off-street parking and loading facilities in a manner as to unreasonably limit improvements to existing structures and uses, particularly in that area identified as the downtown core commercial area.

(B) Applicability. Unless exempted by this section, all construction, reconstruction, enlargement of a structure or at the time a use is changed in any zone off-street parking facilities shall be provided in accordance with the requirements set forth by this section and section 153.086

FINDINGS OF FACT: Parking is addressed within this section.

(C) Exemptions. The following are exemptions in all zones.

(1) Outright uses existing on or before the effective date of this chapter on a lot or parcel of land that has no remaining room for off-street parking and loading facilities;.

(2) Exterior remodeling and/or expansion of a use up to and not exceeding 25% of the total square footage of all structures on a specific lot or parcel under unit ownership, however, any existing parking displaced by the remodeling and/or expansion shall be replaced.

(3) Changes of uses that are permitted outright in a zone and occupy an existing building or site that is either similar to the previous use or of equal or lesser impact to the site with regard to traffic impacts as determined by the reviewing authority and City Engineer. A change of use application may be required to make this determination.

FINDINGS OF FACT: The applicant is seeking no exemptions from the parking 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.

FINDINGS OF FACT: This proposed development requires 1.25 parking spaces for a Multi-Family complex of nine plus dwellings. Additionally, two spaces are required for the owner and manager totaling 14 spaces required with one designated as an ADA space. The proposed

number of parking spaces is 15 meeting this requirement.

(2) R-5 Zone.

(a) Shall meet the applicable requirements set forth in the parking table section (E) below; however, 50% of the adjacent on-street parking spaces shall be counted to meet the parking needs as well as any off-site parking spaces owned or leased specifically for the subject development.

FINDINGS OF FACT: N/A

(3) C-1 Zone. More specifically, the provisions of this section shall be exempted for uses permitted outright in a C-1 Zone, which occupy an existing building on a parcel of land which contains no room for parking. For those parcels of land which do have room for parking, the standards of this section shall apply.

(a) All employee and customer parking shall be provided entirely off-street on an area or facility, public or private, designated for such use, unless otherwise approved by the City Planning Commission.

(b) In the event that the City has established a process for a parking in lieu of fee, this fee may be used to reduce required parking in accordance with the policy. This fee would then be used for future public parking facilities.

(c) Redevelopment of existing second and third floor uses, including residential uses shall also be exempt from the parking requirements.

(d) Required parking for new construction shall utilize alleys to the greatest extent possible primarily placing required parking at the rear of the structure and not along the primary or higher order street.

(e) Bicycle parking shall be provided with all new construction at a minimum of 2 spaces per use. Consolidation of Bicycle racks per block is allowed.

FINDINGS OF FACT: Residential development in C2 zoning defaults to R-2 parking requirements.

(4) C-2, C-3, C-4 and C-5 Zones. All parking demand created by any use permitted in this zone shall be accommodated entirely on-site or off-street on another area or adjoining site within a reasonable walking distance of not more than 1,200 feet that is available for the subject use in compliance with the standards set forth herein. The location of any off-site parking area that requires pedestrians to cross an arterial or major collector street or highway to obtain access to the subject use is prohibited.

(a) No use permitted in this zone shall require the backing of traffic onto a public street right-of-way to accommodate ingress or egress to any use or the premises thereof unless approved otherwise by the City.

(b) Bicycle parking shall be provided at a rate of 1 space per 12 vehicle parking spaces.

(5) M-1, M-2 and IP Zones. All parking demand created by any use permitted in this zone shall be accommodated entirely on-site or off-street on another area or adjoining site shared by one or more uses permitted in this zone. The location of any off-site parking area that requires pedestrians to cross an arterial or major collector street or highway to obtain access to the subject use is prohibited.

(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(I), 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.

<i>Use Description</i>	<i>Minimum Requirements</i>
Residential	
Single Family Dwelling (includes townhomes)	2 spaces per dwelling
Duplex	1 space per dwelling
Multi Family Dwelling (3 to 4 dwellings)	2 spaces per dwelling
Multi-family 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.
Res. use other than ground floor	1 space per Dwelling unit.
Res. use ground floor	1 space per Dwelling unit.
Res. 2 nd and 3 rd story in C-1 zone	1 space per Dwelling unit (new), none for existing Dwelling units or converted structures.
Home ential Care Facility	1 space per each two rooms plus 1 space for each manager and employee at peak use.
Residential Care Home	2 spaces.
Accessory dwelling	1 space recommended, not required

FINDINGS OF FACT: As stated above residential parking defaults to R-2 standards within C2 zones. The required amount of parking required is 14 spaces with 15 spaces provided.

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.

FINDINGS OF FACT: N/A

(B) Owners of 2 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.

FINDINGS OF FACT: N/A

(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.

FINDINGS OF FACT: Off-street parking for the proposed project will all be located in the same lot with the dwellings. The parking spaces will not be located further than 600 feet from the dwellings they are required to serve measured horizontally in a straight line from the dwelling 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.

(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 non-passenger vehicles, materials or the parking of trucks used in conducting the business or use.

FINDINGS OF FACT: All parking spaces shall be available for the parking of operable passenger automobiles of residents and shall not be used for storage of inoperable or other non-passenger vehicles, materials, or the parking of any trucks.

(E) Unless otherwise approved by the City Planning Commission, all areas used for parking and maneuvering of vehicles when required by section 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:

FINDINGS OF FACT: All parking areas will be constructed of asphalt or concrete.

(1) Parking in conjunction with single and two family dwellings

FINDINGS OF FACT: All parking are in conjunction with single family dwellings.

(2) Parking and maneuvering of heavy equipment (ex. Saw mills, lumber yards, heavy equipment yards, shipping yards and warehousing)

FINDINGS OF FACT: N/A to this project. No heavy equipment will be located on the project site with the exception for construction purposes.

(3) Storage of bulky merchandise (ex. building materials, ranching and farming materials, contractor yards)

FINDINGS OF FACT: No storage of bulky merchandise will occur on this site – N/A to this project.

(F) The following off-street parking development standards shall apply.

(1) Parking areas, aisles and turnarounds shall be paved with concrete, asphaltic or comparable durable and dustless surfaces as defined in division (E) of this section, or as otherwise approved by an authorized official of the City.

FINDINGS OF FACT: The parking area shall be paved with concrete or asphalt.

(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.

FINDINGS OF FACT: The approach is paved and the applicant will work with ODOT for permitting and driveway approach requirements.

(3) Parking areas, aisles and turnarounds shall have provisions made for the onsite collection of drainage waters to filter contaminants and eliminate sheet flow of the waters onto or across sidewalks and other pedestrian ways, bike paths, public rights-of-ways and abutting private property.

FINDINGS OF FACT: The parking areas, aisles and turnarounds shall have provisions made for the onsite collection of drainage waters to filter contaminants and eliminate sheet flow. All stormwater will be collected onsite and treated within an onsite stormwater facility as shown on the site plans.

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

FINDINGS OF FACT: Parking spaces shall be permanently and clearly marked.

(5) Wheel stops and bumper guards shall be provided where appropriate for parking spaces abutting a property line or building and no vehicle shall overhang a public right-of-way or other property line. Unless otherwise approved, parking spaces along the outer boundaries of a parking lot shall be contained by a curb which is at least 4 inches high and set back a minimum of 4.5 feet from the property line or by a bumper rail.

FINDINGS OF FACT: Parking spaces shall be contained by a curb which is at least 4 inches high and set back a minimum of 4.5 feet from the property line.

(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.

FINDINGS OF FACT: Lighting shall be designed as to not directly shine into adjoining properties, dwellings, or businesses and shall not create hazard to the public use of a street.

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

FINDINGS OF FACT: N/A, the parking lot is not located in required yards or other setbacks.

(H) Except for parking to serve residential uses not including multi-family 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 4 nor more than 6 feet in height, except where vision clearance is required.

FINDINGS OF FACT: The applicant is proposing a 6 foot sight obscuring fence around the property.

(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).

<i>Parking Angle ft.</i>	<i>Stall Width ft.</i>	<i>Stall depth ft.</i>	<i>Curb Length ft.</i>	<i>Drive Aisle 1-way ft.</i>	<i>Drive Aisle 2-way ft.</i>
0° (parallel)	8	8	23	12	24
30°	9	17	18	12	24
45°	9	19	12.5	13	24
60°	9	20	10.5	18	24
90°	9	20	9	24	24
Driveway	10	20	10	12	24
Garage or Carport	10 (interior)	20 (interior)			

FINDINGS OF FACT: The off-street parking spaces and drive aisles meet the standards as shown in the table above and as shown on the tentative site plan.

(J) Except as otherwise provided for in this division (J), 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.

FINDINGS OF FACT: Acknowledged.

(1) An extension of time may be granted by the city or other jurisdictional authority providing a performance bond, or its equivalent, as approved by the city and the other jurisdictional authority, is posted equaling the cost to complete the improvements as established by actual contractor's bid or by a licensed engineer approved and/or selected by the city.

FINDINGS OF FACT: Acknowledged.

(2) The extension of time may not exceed 1 year and, in the event the improvements are not completed within the 1 year time period, and an additional time period is not granted by the city, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the city.

FINDINGS OF FACT: Acknowledged.

(3) In no case shall the total time period of all extensions granted exceed a period of more than 3 years. In the case that costs to complete the construction are in excess of the bond or its equivalent, including the costs incurred by the city for engineering, bid preparation and advertisement, and construction inspection, the applicant and/or property owner shall be liable for the extra costs.

FINDINGS OF FACT: Acknowledged.

(K) Loading and Unloading.

(1) Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

FINDINGS OF FACT: The parking is not designed for continuous forward flow – N/A to this project.

(2) Merchandise, materials or supplies. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck or other motor vehicle shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.

(a) If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.

FINDINGS OF FACT: 2 (a) above are not applicable to this project.

(b) Off-street parking areas used to fulfill the requirements of this section and this chapter shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs of the subject use.

FINDINGS OF FACT: No parking spaces will be used for loading and unloading operations related to this proposed development.

(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.

FINDINGS OF FACT: Access aisles shall be surfaced with concrete or asphalt and of sufficient width for all vehicle turning and maneuvering.

(2) All residential off-street parking areas commencing from a public street or highway shall have at least 1 service drive, surfaced with a durable and dustless surface as defined in division (E) of this section, and all service drives shall likewise be so surfaced.

FINDINGS OF FACT: The proposed off-street parking is designed to have 1 service drive/driveway, surfaced with concrete or asphalt.

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

FINDINGS OF FACT: The service drive/driveway to off-street parking is designed and constructed to facilitate the flow of traffic, provided maximum safety of traffic ingress and egress, and maximum safety of pedestrians and vehicular traffic on-site. This is shown on the tentative site plan with sidewalks providing places for pedestrian safety.

(4) Groups of more than 4 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.

FINDINGS OF FACT: The proposed driveway is designed that no backing movements or other maneuvering within a street occurs. The driveway serving the project site is designed and will be 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. The proposed two way driveway exceeds the 24 feet minimum.

(5) The number of required service drives shall be determined by the City Superintendent of Public Works,

City Council or other jurisdictional authority.

FINDINGS OF FACT: Acknowledged.

(6) All commercial service drives shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives.

FINDINGS OF FACT: N/A to this development.

(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.

(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 site plan 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.

FINDINGS OF FACT: The tentative plan includes 1-8 above where applicable.

153.087 Landspaping Requirements

The following minimum landscape requirements are established for all developments subject to design review plan approval, unless approved otherwise by the reviewing authority.

(A) Landscaping defined. Required landscaping may include, but is not limited to, a combination of any of the following materials: living plant material such as trees, shrubs, groundcover, flowers and lawn (including native vegetation); and nonliving materials such as benches, walkways and courtyards, consisting of brick, decorative rock or other decorative materials.

(B) Existing vegetation. Existing site vegetation may be utilized to the maximum extent possible consistent with building placement and the applicable proposed landscape plan.

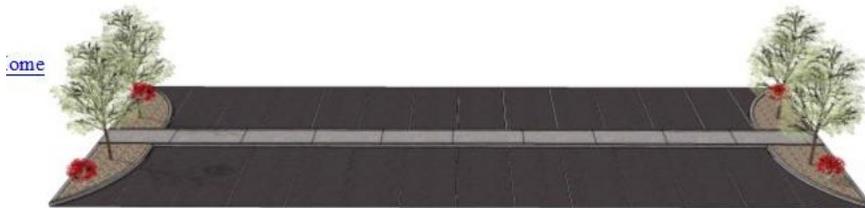
(C) Area required. Minimum area requirements may include requirements for landscaping around buildings, along fence lines, in parking and loading areas, outdoor recreational use areas and screening and buffering areas. Except as approved otherwise by the reviewing authority, the area required for landscaping is expressed as a percentage within the zone dimensional tables and/or the following:

(1) Multifamily dwellings & complexes: 20%.

FINDINGS OF FACT: Through a combination of trees, shrubs, and lawn the proposed project has 30.9% of landscaping exceeding the 20% requirement.

(2) Downtown Enhancement Plan C-1 Zone.

(3) Parking lots. Parking areas shall be required to be landscaped in accordance with the following minimum requirements:



(a) In commercial and residential developments, parking areas shall be divided into bays of 12 spaces and between or at the end of each parking bay a curbed planter containing at least 16 square feet shall be (b) Each planter should contain at least 1 tree and ground cover. An applicant may submit alternate plans for review and approval.

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

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

(e) Unless sidewalks are provided adjacent to a structure, customer or resident parking areas should be separated from the exterior wall of a commercial or residential structure by a minimum 4 foot strip of landscaping.

FINDINGS OF FACT: The landscaping as shown on the landscape plan included within this application shows the required square footage and number of plants/trees to meet the landscaping standards. The proposed landscape plan has provided additional trees and shrubs along the property lines to add additional buffering between the project site and neighboring properties. All landscaped areas are designed to be protected from being damaged by vehicles that use the parking area with 4"+ curbs. The parking area shall be maintained to provide adequate vision for vehicles and pedestrians. Sidewalks are utilized along the parking area adjacent to structures for pedestrian safety.

(f) Where a parking, loading or driveway area serving a multi-family, commercial, industrial or government use abuts a public right-of-way of a collector or arterial street or a local street across from a residential zone, or abuts a residential zone, a screen planting or other approved landscaped planter strip may be required between the parking area and the right-of-way without encroaching into a clear vision area or sidewalk.

FINDINGS OF FACT: The off-street parking area does not abut a public right-of-way.

(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.

FINDINGS OF FACT: The proposed landscape plan is designed to provide additional trees and shrubs to reduce the impacts of the proposed development on adjacent uses and zones.

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

(1) Commercial uses abutting a residential zone, public recreation area or use, institutional use, scenic resource, noise sensitive use or public right-of-way.

(2) Industrial uses abutting residential or commercial zones, public recreation area or use, institutional use, scenic resource, noise sensitive use or public right-of-way.

(3) Multifamily complexes containing 4 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.

(4) Manufactured or mobile dwelling subdivision or park 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.

(5) Public or private recreation area or facility abutting a residential or commercial use, institutional use, scenic resource, noise sensitive use or public right-of-way.

FINDINGS OF FACT: The applicant is proposing additional landscaping along the sight-obscuring fence around the perimeter of the property providing additional buffering from neighboring properties.

(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.

FINDINGS OF FACT: Additional buffering with screening is proposed with this project.

(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. required. Parking areas less than 12 spaces may require curbed planters as part of the landscape standard.

FINDINGS OF FACT: The landscaping plan provides additional buffering and meets the standards required within this code.

(D) Plant material installation standards. Except as otherwise approved by the city, the following standards shall apply to plant materials and the installation thereof as provided in accordance with the provisions of this section.

(1) Landscape plant materials shall be properly guyed and staked, and shall not interfere with vehicular or pedestrian traffic or parking and loading.

(2) Trees shall be a minimum size of 8 feet in height and be fully branched at the time of planting.

(3) Shrubs shall be supplied in 1 gallon containers or 6 inch burlap balls with a minimum spread of 12 inches.

(4) Rows of plants should be staggered to provide for more effective coverage.

FINDINGS OF FACT: All landscaping will be planted as noted in 1-4 above and as shown on the landscape plan within this application packet.

(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.

FINDINGS OF FACT: Landscaping shall be continually maintained to include watering, weeding, pruning and replacement of plant materials as needed.

153.090 Fences

Fences, except of barbed wire and of similar hazardous materials, are permitted in any zone and do not require a zoning permit for construction. The fences shall, however, be in compliance with the following provisions.

(A) Fences within the setback areas of yards shall not exceed 6 feet in height except as otherwise approved as a type I conditional use and constructed to meet Building code requirements.

FINDINGS OF FACT: A 6 foot site-obscuring fence is proposed for the perimeter of subject property.

(B) Fences which may be located in front yards shall not exceed 4 feet in height with the exception of the M-1 and M-2 zones, decorative fencing such as wrought iron that can be easily seen through and flag lots where lot lines may conflict with neighboring side and rear lot lines. All other exceptions shall be approved by the Planning Commission based on unique circumstances or land use. (For the purposes of this section "front yard" shall be defined as the area between the street and nearest point of the primary structure).

FINDINGS OF FACT: Fencing proposed for the front of the property is 4' high along Madras-Prineville Highway frontage. Fencing along the perimeter of the property (NW & NE Sides) is proposed with 6' site obscuring fence for privacy.

(C) Fences which may be located within clear-vision areas shall not exceed 2 ½ feet in height.

FINDINGS OF FACT: Acknowledged

(D) Fences shall not be located within a surface water or wetland setback. (see Chapter 155 Natural Features Overlay District).

FINDINGS OF FACT: Fencing is located as shown on Siteplan Detail T2 within this planning packet.

(E) Fences shall be maintained in good condition at all times and shall not create any unsightly or hazardous condition.

FINDINGS OF FACT: All fencing shall be maintained in good condition and repaired/replaced as necessary.

(F) All fences, or portions thereof, shall be located or constructed in a way as to not prevent reasonable access to abutting properties for building maintenance or fire protection purposes.

FINDINGS OF FACT: No fencing shall prevent reasonable access to abutting properties for building maintenance or fire protection purposes.

(G) Fences, or portions thereof, shall be located or constructed in a manner as to not unreasonably obstruct significant scenic views of the valley, mountains or natural features of the area from adjacent buildings.

FINDINGS OF FACT: Acknowledged

(H) The height of a fence shall be measured from the ground level where located. A fence may be placed on top of a retaining wall where the property has been leveled to one side. The ground may not be elevated for the sole purpose of elevating a fence.

FINDINGS OF FACT: Acknowledged

(I) As applicable, the construction or reconstruction of fences shall comply with the Building Code as administered by the City or County Building Department.

FINDINGS OF FACT: Applicant shall comply with the Building Code as administered by the City or County Building Department for the construction or reconstruction of fencing.

(J) No owner or person in charge of property shall create a hazard by being the owner or otherwise having possession of property where there is a fence that is not structurally stable.

FINDINGS OF FACT: Acknowledged

(K) No owner or persons in charge of property shall construct or maintain a barbed-wire fence along a sidewalk or public way; except the wire may be placed above the top of fencing that is not less than 6 feet high.

FINDINGS OF FACT: No barbed-wire fencing is proposed. N/A

(L) No owner or person in charge of property shall construct, maintain or operate an electric fence along a

sidewalk or public way or along the adjoining property of another person.

FINDINGS OF FACT: No electric fencing is proposed. N/A

CONDITIONAL USES

153.135 Authorization to Grant or Deny

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

(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.

FINDINGS OF FACT: No existing building/s are being transferred. N/A

(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 3 or more Commissioners believe the application warrants a Commission review.

FINDINGS OF FACT: No existing building/s are being transferred. N/A

153.136 Specific Conditions

In addition to the standards and conditions set forth in a specific zone, this subchapter, this chapter and other applicable local, county, state and/or federal regulations, additional conditions may be imposed which are found to be necessary to avoid a detrimental impact on adjoining properties, the general area or the city as a whole, and to otherwise protect the general welfare and interests of the surrounding area, the city as a whole and the general public. No condition may be imposed which violates federal or state law with regard to needed housing. The conditions may include, but are not limited to, the following.

(A) Limiting the manner in which the use is conducted, including restricting the time an activity may take place, and restrictions to minimize environmental impacts such as noise, vibration, air or water pollution, glare and odor.

FINDINGS OF FACT: The applicant is proposing needed housing and shall comply with noise, vibration, air, or water pollution.

(B) Establishing a special setback or other open space requirements, and increasing the required lot size or other dimensional standards.

FINDINGS OF FACT: The applicant is proposing open-space as required for this type of development.

(C) Limiting the height, size or location of a building or other structure or use.

FINDINGS OF FACT: Applicant acknowledges (C) above and will adhere to any set conditions.

(D) Increasing street width and/or requiring improvements to public streets and other public facilities serving the proposed use, even including those off-site but necessary to serve the subject proposal.

FINDINGS OF FACT: Applicant acknowledges (D) above improvements required to serve the subject property.

(E) Designating the size, number, improvements, location and nature of vehicle access points and routes, and requiring pedestrian and/or bicycle ways.

FINDINGS OF FACT: Acknowledged

(F) Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor or security lighting, and the intensity and/or direction thereof.

FINDINGS OF FACT: The applicant is not proposing any signs but will limit the number, size, location, height and lighting intensity and/or direction of lighting.

(G) Requiring diking, screening, fencing or other improvements or facilities deemed necessary to protect adjacent or nearby properties, and establishing requirements or standards for the installation and maintenance thereof.

FINDINGS OF FACT: The applicant acknowledges (G) above and is proposing fencing and added landscaping for buffering of neighboring properties.

(H) Protecting and preserving existing trees, other vegetation and water, scenic, historic, archaeological, unique, landmark or other natural or manmade significant resources.

FINDINGS OF FACT: Where possible the project will protect and preserve existing trees and other vegetation.

153.137 Application for Conditional Use

A property owner or duly authorized agent may initiate a request for conditional use or the modification of an existing conditional use by filing an application with the city using forms prescribed therefore by the city. The standard application form shall be completed in its entirety and shall be accompanied by a site plan, drawn to scale, and showing the dimensions, arrangement and intended use of the proposed development. The application shall also be accompanied by a vicinity map showing the subject property, all properties within 100 feet and the names and addresses of all property owners within 100 feet as reported by the current County Assessor's records. If an application is submitted by any person or persons other than the property owner or authorized agent thereof, the application shall be jointly signed by the owner or agent, or there shall be submitted an accompanying certified statement from the owner or agent attesting to the knowledge and approval of the submittal. An application shall not be deemed complete unless accompanied by the required filing fee established by the City Council by ordinance or resolution.

FINDINGS OF FACT: The applicant is filing an application with the city using forms prescribed therefore by the city. The application form is submitted with this submittal and with other required documents. The application includes a list of property owners within 100 feet of the proposed project.

153.138 Time Limit on a Conditional Use Permit

(A) Authorization of a conditional use permit shall be null and void after one year or such other time as may

be specified in the approval thereof unless substantial development, compliance and/or investment is clearly evident.

(B) Issuance of a conditional use permit shall confer no right to the applicant beyond the time period for which it was issued.

(C) If the conditions applicable to a conditional use permit are not fulfilled within a reasonable time, the Commission may revoke the permit after giving notice to the applicant, affected property owners and other affected persons or parties, and upon holding a public hearing to make the determination.