



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
STAFF REPORT

DATE: March 25, 2008

PROJECT NUMBER: Comprehensive Plan Map Amendment #1

APPLICANT: City of Prineville

OWNER: Glenn Kotara
P.O. Box 52
Powell Butte, OR 97753

PROPOSAL: The City of Prineville, in cooperation with the property owner, proposes to re-designate approximately 14.1 acres of land from light industrial to residential and approximately 0.4 acres from light industrial to commercial on the City's Comprehensive Plan Map.

LOCATION: The property is located on the east side of North Main Street, approximately 500 feet north of the intersection of North Main Street and Peters Road (see Exhibit A – Site Location Map). The property is described on the Crook County Tax Assessor's map as tax lot 1416290002100.

STAFF CONTACT: Scott Edelman, Senior Planner

APPLICABLE CRITERIA:

- (1) City of Prineville Code of Ordinances, Title XV – Chapter 153, sections 250 through 260, inclusive.
- (2) City of Prineville Urban Area Comprehensive Plan, Chapter 2, Chapter 5 and Chapter 7

EXHIBITS:

- Exhibit A – Site Location Map
- Exhibit B – Comparison of Comprehensive Plan Map and Zoning Map
- Exhibit C – Plan Amendment Burden of Proof Statement
- Exhibit D – Letter from Oregon Department of Environmental Quality

Background

The City of Prineville Urban Area Comprehensive Plan was acknowledged by the Department of Land Conservation and Development (DLCD) in October, 2007. One of the mandates included in the Comprehensive Plan is the correction of several “zoning errors” throughout the City. These are properties within the City for which the Comprehensive Plan Map designation and Zoning Map designation are inconsistent.

The subject property was annexed to the City in 2003. At that time the property was split-zoned with the largest portion of the site (approximately 14.1 acres) zoned General Residential (R-2) and the southern tip (approximately 0.4 acres) zoned General Commercial (C-2). However, while the City Council approved the zone change, the process to amend the designation of the property on the Comprehensive Plan Map was not completed. Therefore, the zoning of the property is not consistent with the Comprehensive Plan Map designation. Exhibit B provides a comparison of the subject site’s designation on the Zoning Map and the Comprehensive Plan Map.

The subject site is one of the properties specifically identified in Chapter 5 (page 83) of the Comprehensive Plan as one of the zoning errors. It is also identified on the zoning error map which is referred to in the Comprehensive Plan.

The Planning Commission held the first public hearing on this proposal on February 19, 2008. Several issues were raised at that hearing, including the State requirement for a 45-day notice period. In order to comply with this requirement and to allow further analysis of other issues raised at this hearing, the Planning Commission continued the hearing to April 1, 2008.

Findings Summary:

The following findings support the proposed Comprehensive Plan Map amendment to re-designate the subject site from Light Industrial to Residential and to rezone the southern tip of the property from Commercial to Residential based on the following primary points:

1. The City of Prineville Comprehensive Plan mandates the correction of zoning errors, including the inconsistency between the Zoning Map and Comprehensive Plan Map designation for the subject site.
2. The City’s industrial lands inventory, which was used to support both the most recent expansion of the City’s Urban Growth Boundary and the Comprehensive Plan, included the subject site as land needed for residential development, not industrial.
3. Development patterns around the subject site have been entirely residential and are not be compatible with industrial development on the subject site.

Staff Findings:

1. City of Prineville Code of Ordinances, Title XV – Chapter 153

153.256.030. Decision on plan amendments and zone changes.

A. Except as set forth herein, the Planning Commission when acting as the Hearings Body shall have authority to make decisions on all quasi-judicial zone changes and plan amendments. Prior to becoming effective, all quasi-judicial plan amendments and zone changes shall be adopted by the City Council.

B. In considering all quasi-judicial zone changes and those quasi-judicial plan amendments on which the Planning Commission has authority to make a decision, the City Council shall, in the absence of an appeal or review initiated by the Council, adopt the Planning Commission decision. No argument or further testimony will be taken by the Council.

Finding 1: The proposal is for a quasi-judicial zone change and plan amendment. As such, it is subject to the process as outlined above. The purpose of the public hearing set for February 19, 2008 and continued to April 1, 2008 is for the Planning Commission to hold a public hearing to make a decision on the proposed Comprehensive Plan Map amendment. If the Planning Commission approves the proposal, the City Council will have the option of adopting the Commission's decision or conducting its own review.

2. City of Prineville Urban Area Comprehensive Plan, Chapter 2 Urban Land Uses and Zoning Designations

(Pg 30) Purpose and Intent

The Prineville urban area contains land use descriptions and zoning for residential, commercial, and industrial areas. This chapter examines the different zone and land use designations and implementation strategies. The primary designations implement the strategies that regulate the use of land and its ability to support the community's long-term development objectives. The goals, policies and programs contained in this chapter will help the City manage its land uses to meet the growth needs of the Prineville community. It should be noted that the existing Comprehensive Plan Map, also known as the "Prineville Area Physical Development Plan", will need to be updated and various changes made given the age and poor drafting quality. **Commensurate with revisions and improvements to the Comprehensive Plan Map, various errors were discovered on the 2006 Zoning Map. These errors and other needed revisions will be needed to improve consistency and compatibility with the revised Comprehensive Map.**

Finding 2: As stated in the above referenced statement, various errors were identified that created inconsistencies between the Zoning Map and Comprehensive Plan Map. Staff finds that the proposed Comprehensive Plan Map amendment and rezone is one of the referenced errors for which the Comprehensive Plan mandates that the City corrects.

3. City of Prineville Urban Area Comprehensive Plan, Chapter 5 Economy

(pg. 82-83) Existing Industrial Lands Located Near Incompatible Uses

The City has also continued analysis of the potential negative impacts of retaining heavy manufacturing and other industrial land designations currently located near the older parts of the city. In-depth review of these areas indicates the industrial areas are located in areas with limited water supply, adjacent to sensitive wetlands, steep slopes, and long established low-density residential development.

Finding 3.a.: The properties adjacent to the subject site to the north, east and west have each been developed residentially. Staff finds that the Industrial designation of this property on the Comprehensive Plan map is not compatible with residential development. The property to the immediate south of this site is also designated as Industrial and split-zoned general residential (R-2) and general commercial (C-2) (see Exhibit B). The City plans to correct this “zone error” with a future Comprehensive Map amendment; however, staff finds that the commercially zoned portion of the property to the south of the subject site should remain commercial in order to provide a buffer between future residential development on the subject site and the existing lumber mill to the south of Peters Road. Further, staff finds that the 0.4 acre tip at the south of the subject site should remain zoned commercial as part of this buffer.

The City received a letter from the Department of Environmental Quality (DEQ) supporting the need for the commercial buffer. This letter is included as Exhibit D.

Existing Residential Development on Industrial Lands

The City has numerous residential homes built on industrially zoned lands. This situation needs to be corrected. The City has proposed a legislative fix to this situation and in combination with UGB expansion will serve to correct long standing zoning errors. A demonstrated need for additional developable residential lands (as described in following chapters) and to develop within the guidelines of a “framework plan” supports the rezoning of poorly located industrial areas to other uses. Map # 3 shows these areas.

Additional Reductions to Industrial Land Acreages after 2004 UGB Expansion Due to Needed Rezonings*

Land Area By Historic Ownership Name, etc.	Total Current Industrial Acres Requiring Rezoning to Other Uses
Carpenter	100.0
Rhoden	120.0
Ochoco	120.0
Smith	60.0
Northridge	115.0
Other Areas	20.0
UGB Area 9	34.0
Totals	569.0 ¹

¹ Acreages estimate until verified with GIS and survey data

Finding 3.b.: The subject site is referenced in the table above as a portion of the Carpenter property. As such, it has been identified as one of the properties with a zoning error that needs to be corrected through a “legislative fix.” This proposed Comprehensive Plan Map amendment and zone change is intended to correct this error. Staff finds, as stated above, that this property was taken out of the calculations for industrial land acreages in the City’s land inventory and Comprehensive Plan.

4. City of Prineville Urban Area Comprehensive Plan, Chapter 7 Housing

(Pg. 126) Housing Values and Policies

- It is essential to develop strategies that increase the variety of housing choices in the community. These strategies must include an inventory and analysis of needed housing types, existing housing supplies, and strategies for meeting the changing community demographic.
- It is necessary to provide adequate buildable residential land for the 20 year planning horizon.

Finding 4: The City of Prineville has included the subject property within its inventory of land available for residential development. This is primarily due to its location in the community where it directly abuts other residential uses on three sides of its property boundary. The subject property also abuts North Main Street, providing suitable access for a residential development. The site has City utilities within the property or within close proximity to it. Overall, the property is correctly placed within the community to support a variety of residential uses as intended by the Plan. The subject property is a large parcel within a developed area of the community and could provide significant needed housing; however, the inconsistencies between the Comprehensive Plan Map and Zoning Map cause this property to be undevelopable for residential purposes. Staff finds this property to be more suitable for residential development than for industrial development, as reflected in the City’s Comprehensive Plan.

Recommendation:

Based on the findings above, staff recommends that the Planning Commission approve an amendment to the Comprehensive Plan Map to re-designate the northern 14.1 acres of the subject site from light industrial to residential and the southern 0.4 acre tip of the subject site from light industrial to commercial on the Comprehensive Plan Map.

Planning Commission Decision:

PLEASE NOTE: IT IS VERY IMPORTANT THAT THE WORDING OF A MOTION FOR DECIDING ON A LAND USE APPLICATION BE STATED AS PROVIDED BELOW, PRIMARILY TO ENSURE THAT THE STAFF REPORT AND PUBLIC RECORD ARE INCORPORATED INTO THE DECISION AS PART OF THE FINDINGS OF FACT.

MOTION IN FAVOR

The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Favor of this Application. I Move that Comprehensive Plan Map Amendment #1 be **APPROVED**.

MOTION IN OPPOSITION

The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Opposition to this Application. I Move that Comprehensive Plan Map Amendment #1 be **DENIED** based upon Findings of Fact in opposition to the application.

Date this 1st day of April, 2008

Written by: Scott Edelman,
Senior Planner

PLANNING COMMISSION CHAIR:

Paul Cuddy

Date: _____