



City of Prineville

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

STAFF REPORT

HEARING DATE: September 20th, 2016

PROJECT NUMBER: CU-2016-105

APPLICANT: Patrick Brady
706 SW Industrial Way
Bend OR 97702

OWNER: Maria Brady
347 Black Butte Dr.
Sisters OR 97759

PROJECT REVIEWER: Joshua Smith
Senior Planner

APPLICABLE CRITERIA:

City of Prineville Code of Ordinances, Title XV – Chapter 153 – Sections: 153.009, 153.014, 153.020, 153.037, 153.050, 153.083(R), 153.085, 153.135 – 153.138, 153.190 – 153.200.

FINDINGS OF FACT:

- 1. LOCATION:** 395 N. Main St. Map & Tax Lot 15-16-06AA 05301.
- 2. PROPOSAL:** The applicant is proposing a 12 room Boarding House on the second floor of the building located at 395 N. Main Street above the Vintage Cottage. The purpose at this time is to accommodate the current demand for worker housing.
- 3. ZONING:** The subject property is zoned Central Commercial (C1).
- 4. LOT OF RECORD:** The property has been determined to be a legal lot of record as a portion of lot 1 & 2 of Block 11 of the Monroe Hodges (town of Prineville) subdivision.
- 5. SITE DESCRIPTION:** The property is completely covered by an existing two story building. The first floor is currently a retail business, while the second floor has been primarily offices space with potentially some previous residential use.



6. **COMMENTS:** During the notice period the City received agency comments with no opposition to the proposal, however; building and fire code will need to be met. City staff also discussed concerns about available parking for guests and existing businesses in that area.

Staff did discuss the proposal with one of the neighboring property owners who wanted more information. The property owner asked what the future use of the property will be when it's not being rented for workers of the data centers, how large are the rooms, is it co-ed, how many bathrooms, is there on site laundry and is there a parking plan. Staff received information from the applicant that states the rooms range from 100 to 200 square feet, all rooms will have locks, it is not limited to men only, that there will be a gym style restroom for men and a private restroom and shower for women if needed, at least one washer and dryer and parking will be on street or in the City's parking lot a block away. It is unknown at this time what the boarding house will become when it is not being used for datacenter workers.

7. **FINDINGS SUMMARY:** The applicant is proposing a 12 room Boarding House to accommodate the current demand for worker housing at this time. The city's definition of a boarding house is no more than 10 persons. While it may be called a boarding house, 12 rooms more closely matches the definition of a motel. Each type of use is allowed in the C1 zone as a Type II conditional use. The review for each use is relatively the same including parking standards and traffic impact. The primary issue with such a proposal will be parking. The project is not expected to exceed resource carrying capacities. System Development Charges (SDCs) for water and sewer will only be required if the proposal requires an increase in the water meter size. Traffic impact for the proposed 12 room boarding house/motel is roughly the same as the previous use of office space, therefore Traffic SDCs will not be required. Staff understands that the second floor has not been utilized in any significant way for a long time, so any significant change in use of the second floor will have an impact on traffic in the area. It just may not have the traffic counts to warrant additional traffic SDCs. All necessary improvements to meet building and fire code shall be required and the applicant shall meet all applicable City of Prineville Ordinances including the Transient Lodging tax.

Criteria: 153.004 DEFINITIONS.

BOARDING OR ROOMING HOUSE. *A building or portion thereof, other than a motel, restaurant or hotel, where meals or lodging or both are provided for compensation for more than five but not more than ten persons.*

HOTEL or MOTEL (TRAVELERS' ACCOMMODATIONS). *A building or portion thereof, designed and/or used for occupancy of transient individuals who are lodged with or without meals. (O.R.S. 446.310)*

MOTEL. *A building, or group of buildings, on the same lot or parcel containing motel rental units for rental to transients and consisting of individual sleeping quarters with or without cooking facilities which are designed, intended or used primarily for the accommodation of transients and travelers, and shall include hotels and inns.*

Finding 1: The proposed application was applied for as a 12 room Boarding House, however; the City's definition of a Boarding House only allows up to 10 persons. The reason for the limitation is unclear. By definition a proposal with 12 rooms is actually closer to the definition of a Motel. While not a traditional motel setting, the basic principle is the same. The proposal may still be called a Boarding House but for the purposes of this application staff reviewed the proposal as a motel.

Criteria: 153.009 COMPLIANCE WITH OTHER RULES AND REGULATIONS.

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

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

(C) Specific city, county, state and federal rules and regulations that may affect a specific land use or development for which compliance therewith is required if applicable include, but are not necessarily limited to the following.

(1) Air quality standards administered by the State Department of Environmental Quality (DEQ) and/or the Federal Environmental Protection Agency (EPA).

(2) Noise pollution standards administered by DEQ and/or EPA.

(3) Water quality standards administered by DEQ, state Water Resources Department (WRD) and/or EPA.

(4) Sewage disposal regulations administered by DEQ, County Environmental Health and/or EPA.

(5) Solid waste disposal regulations administered by DEQ and/or EPA, including those applicable to hazardous wastes.

(6) Uniform Building Code administered by the City-County Building Department and State Building Codes Agency.

(7) Surface and ground water withdrawals regulated by WRD.

(8) Scenic area rules administered by the State Highway Division (OSHD), state parks and/or other state or federal agencies.

(9) Access control and management regulations administered by OSHD and/or the County Road Department.

(10) Surface mining regulations administered by the State Department of Geology and Mineral Industries (DOGAMI), DEQ and other state or federal agencies.

(11) Wild and scenic river regulations administered by the State Parks and Recreation Department (OPRD), the U.S. Bureau of Land Management (BLM) or other state and federal agencies.

(12) Cut and fill, and wetland regulations administered by the Division of State Lands (DSL).

(13) Fish and wildlife habitat protection rules administered by the State Department of Fish and Wildlife (ODFW) and/or the U.S. Fish and Wildlife Department (USFW).

(14) Applicable City and/or County ordinances, resolutions, agreements, regulating master plans or other land use decisions.

Finding 2: There may be rules and regulation at a State and Federal level that the applicant is required to comply with. City approval of this project does not supersede those requirements. The applicant shall comply with Chapter 37 of the City's Code of Ordinance for transient Lodging tax. The applicant shall also obtain a Certificate of Occupancy from the Crook County Building Department.

Criteria: 153.014 GENERAL CRITERIA.

In determining whether or not any application shall be approved or denied, it shall be determined that the following criteria are either met or can be met through compliance with specific conditions of approval.

(A) The proposal is compatible with the City Comprehensive Plan and applicable policies set forth thereby.

(B) The proposal is in compliance with the requirements set forth by the applicable primary zone, by any applicable combining or overlay zone, and other provisions set forth by this chapter that are determined applicable to the subject use.

(C) That, for a proposal requiring approvals or permits from other local, state and/or federal agencies, evidence of the approval or permit compliance is established or can be assured prior to final approval.

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

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

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

Finding 3:

A) The proposal is compatible with the Comprehensive Plan by meeting the goals of Chapter 7 (Housing) in the City's Comprehensive Plan.

B) The City finds the proposal is in compliance with the applicable C1 zone as a conditional use. The proposal is meeting or can meet applicable provisions through conditions of approval. The natural features overlay district is not affected by this project.

C) The City is not aware of any other required approvals or permits from other local, state or federal agencies other than the Crook County Building Department.

D) There are specific standards listed in section 153.083(R) that will be addressed later in this report.

E) The facility will not exceed resource carrying capacities for sewer, water or traffic, however; SDCs are required to be paid prior to issuance of a building permit. Sewer and water SDCs are based on the size and number of water meters needed to serve the development. At this time only the existing meters will be utilized. Unless additional meters are added no sewer or water SDCs will be assessed. The City Engineer has reviewed the potential traffic impact of the change of use from office space to a 12 room motel. Based on the Trip Generation manuals produced by the Institute of Traffic Engineers (ITE) the difference in traffic impact is less than half a trip, as calculated below. Additional Traffic SDCs will not be required for this change of use.

General Office – 1.49(trip rate) x 3.5(per thousand sq. ft.) = 5.2 P.M. Peak trips

Motel - 0.47(trip rate) x 12(#of rooms) = 5.6 P.M. Peak Trips

Staff understands that the second floor has not been utilized in any significant way for a long time, so any significant change in use of the second floor will have an impact on traffic in the area. It just may not have the traffic counts to warrant additional traffic SDCs.

F) All uses are required to comply with local, state or federal pollution standards. If it is identified that such standards are being exceeded, measures shall be taken to come back into compliance.

Criteria: 153.050 CENTRAL COMMERCIAL ZONE C-1 ZONE.

In a C-1 Zone, the following regulations shall apply.

(A) *Purpose. The purpose of the C-1 Zone is to preserve and enhance the dominant characteristics of that area of the city identified as the Downtown Core Commercial Area with emphasis on pedestrian shopper convenience and safety, the enhancement of historic features, downtown improvement needs and designs and to enhance the area's economic importance as a commercial center of the community.*

153.037 COMMERCIAL & INDUSTRIAL USE TABLE

Type II: Boarding, lodging, rooming house

Type II: Motel, Hotel

Finding 4: A Boarding House and a Motel are both type II conditional uses in the C1 zone. This use fits with the purpose of the C1 zone by adding to the economic viability of the area and utilizing an existing building that is otherwise underutilized.

Criteria: 153.020 SITE PLAN AND DESIGN REVIEW PROVISIONS.

(B) *Applicability. The following uses and developments shall be subject to the provisions of this section:*

(1) *All new development and changes of use. A building permit shall not be issued prior to approval by the City. Site clearance activities such as grading, excavation or filling shall not be permitted unless specifically allowed by the City prior to approval.*

(C) *Exemptions. The following are exempt from the site and building design review process.*

(4) *Changes of uses that 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 water, sewer and traffic as determined by the Planning Director and City Engineer. A change of use application may be required to make this determination (converting a residence to a commercial use is always considered a greater impact). Conditional use procedures still apply for those applications that require it. As a conditional use improvements may be required that are exempted in this section.*

Finding 5: This change of use is exempt from design review, as it is occupying an existing building with a similar impact to the previous use with regard to water, sewer and traffic.

Criteria: 153.083 STANDARDS FOR SPECIFIC USES.

(R) *Motel, hotel, convention center, multi-use pavilion, sports arena or other similar uses. Such uses may be approved only after consideration of the following factors.*

(1) *Sufficient areas provided for the main buildings, required yards, off-street parking and related or accessory or support structures and uses.*

(2) *Location of the site relative to the service area or to other related facilities and uses.*

(3) *Probable growth and needs therefore.*

(4) *Site location relative to land uses in the vicinity.*

(5) *Adequacy of accesses to and from principal streets; relative thereto, access must be to either a designated major collector or arterial street.*

(6) *Such uses or related buildings shall be at least 20 feet from a side or rear lot line abutting a residential use or a residential zone.*

(7) Such uses may be required to provide sound-insulating screening and/or construction methods if found to be within an area of influence of an existing commercial or industrial use which is considered incompatible with a noise sensitive use.

Finding 6:

- 1) The Boarding House/Motel is being proposed in an existing building with no off street parking and will be discussed further in Finding 7.
- 2,4) There is an existing motel (Econo Lodge) located on the Block to the east and several second story apartments within the area. All other accommodations of this type are located in outlying commercial areas to the east and west of town. Several drinking and eating establishments as well as shopping opportunities and a movie theater are located within the downtown. These types of uses are considered related facilities and commonly frequented by visitors.
- 3) The City of Prineville is currently in need of transient or worker housing due to the data center development within the City. This type of housing could help to relieve the rental market for the citizens of Prineville.
- 5) The property does access North Main Street which is an arterial street, however; as stated before there is no off street parking available. All access to the site will be on street parking with pedestrian access from the sidewalk on Main Street and 4th Street.
- 6) This criteria does not apply to an existing building.
- 7) Additional sound insulation is not expected to be needed. Unless there is a concern raised by neighboring properties during this review process, this issue will need to be addressed between property owners if such a problem arises.

Criteria: 153.085 OFF-STREET PARKING AND LOADING: PROVISIONS AND REQUIREMENTS.

(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

(D) Specific Parking Requirements by Zone.

(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.

Boarding, lodging or rooming house	1 space per unit plus 2 spaces for owner/manager.
Hotels and motels	1 space per guest room plus 2 spaces for owner/ manager.
Bank, offices (except medical and dental)	1 space per 600 s.f. of customer service area, plus 1 space per employee during peak employment shifts.

Finding 7: As stated in section 3(C) above, redevelopment of second floor uses including residential uses shall be exempt from parking requirements. This criteria is specific to the downtown C1 zone to allow the continued use of existing two and three story buildings that have little to no off street parking, which are common in the downtown. However the proposed use is a conditional use in the C1 zone and is therefore subject to conditional use criteria that can limit the use based on parking and other factors. For this reason parking standards are reviewed based on the proposed use and previous use of the property.

As shown above a Boarding House and Motel have the same parking requirements while office space can vary considerably based on how it is used. In this case a 12 room boarding House or Motel with no owner/manager would require 12 spaces. A 3,500 sq. ft. office space could require just as many spaces depending on the number of offices, employees and customer service area. Staff understands that while parking requirements for office space could be similar it is not absolute and it is more difficult to rent office space than a residential use. For that reason there may be more of a parking issue with the Boarding House/Motel than office space. The other key difference in the two parking types is the time of day that the parking is needed. For an office space on-street parking will primarily be needed during the normal business day, where a Boarding House/Motel would generally use it in the evenings and on Weekends. Either scenario can and may cause congestion at times, however; this is the downtown where congestion is expected and even desired due to the increase in business.

Criteria: 153.135 AUTHORIZATION TO GRANT OR DENY.

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

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

(B) A conditional use that is utilizing an existing building may be transferred to a new owner or user for a similar type of impact as determined by the Planning Director. A change of use application shall be required and may be referred to the Planning Commission if one or more concerns are received or if 3 or more Commissioners believe the application warrants a Commission review.

Finding 8: This section of criteria gives the reviewing authority the ability to approve, modify, approve with conditions or deny the application.

Criteria: 153.136 SPECIFIC CONDITIONS.

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

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

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

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

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

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

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

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

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

Finding 9: As stated previously, staff understands that parking conflicts with businesses could arise due to this proposal, however; the same issue could be true of any use of the second story of this structure. Unless written or verbal testimony is received prior to or at the hearing, staff does not recommend any additional conditions as listed above. It should also be noted that any condition to mitigate a parking issue would be very difficult for the City to enforce.

Recommended Conditions of Approval: If approved the following conditions are recommended for application **Cu-2016-105** to allow the conversion of a school to multifamily dwellings in a C2 zone. Such an approval is subject to the submitted plans, findings stated in the staff report, those conditions contained within and the following conditions of approval set forth below:

RECOMMENDED CONDITIONS OF APPROVAL

1. The applicant shall comply with the Fire Department requirements for access, fire flows, sprinkler systems, fire hydrants, address signs and Knox Box locks and all other UFC requirements. Both buildings are proposed to be sprinkled. If not sprinkled other infrastructure may be needed to provide adequate fire flows and building uses may be limited.
2. The applicant shall comply with the site plans as submitted and any alteration to them through the public hearings process. Any modifications of the site plan after approval shall be reviewed by City staff for compliance with City code and this

approval. Major modifications as determined by the City will require a modification application.

3. Any signage shall meet the code requirements of the City's sign code found in Chapter 152.
4. The applicant shall pay all applicable water and sewer SDCs if the number and/or size of the water meter is changed. SDCs for traffic are not required with the proposed level of development. If the application is modified traffic SDCs may be required after re-evaluated of the traffic impact.
5. The applicant shall comply with Chapter 37 of the City's Code of Ordinance for transient Lodging tax.
6. Applicant shall secure any and all city, county and state permits required for the proposed development, including, but not limited to all Crook County Building Department permits.

MOTION IN FAVOR

The Staff Report and record of tonight's proceedings are hereby incorporated as Findings of Fact in Favor of this Application. I Move that the application be **APPROVED**, subject to the Conditions of Approval as they have been finalized, and based upon the Findings of Fact in favor of the application.

MOTION IN OPPOSITION

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

Written By:


Joshua Smith
Senior Planner



EzraTerra
A PATRICK BRADY COMPANY

August 22, 2016

City of Prineville
Planning Department
387 NE Third Street
Prineville, Oregon 97754

Attention: Mr. Phil Stenbeck, CFM
Planning Director

Subject: Second Floor Boarding House
395 North Main

Mr. Stenbeck,

The purpose of this document is to initiate a process to seek approval for using the entire upstairs of the 395 North Main Street Building as a Boarding House for the Facebook/Apple/Goggle Data Farm construction workers. Figure 1 presents a Vicinity map of the site. Figure 2 presents a floor plan for the upstairs; new walls and restrooms are noted in the Figure. As you know there is a 0% vacancy in Prineville at this time. Construction workers are seeking lodging outside of Prineville due to the lack of availability.

The upstairs has an address of 397 North Main Street. The site is located at the southwest corner of 4th Street and North Main Street in downtown Prineville (Figure 1). The building is two stories with each floor consisting of 3,500 square feet (total 7,000 square feet of building space). There are two staircases that provide access to the upstairs from 4th Street and main Street. Both staircases are connected by a common central hallway (Figure 2).



Background

The subject site is a historic building that was built at the turn of the century. In 1926 the building burned and was subsequently reconstructed and has been in continual use since that time. The building historically was used for various retail establishments. The upstairs was used as offices, various retail establishments, dance hall and as a boarding house in the past.

The building was renovated 2005. All asbestos containing materials were removed from the building by a licensed asbestos contractor. All PCB ballasts were also removed and properly disposed. The electrical, HVAC, natural gas and telephone lines were updated in 2005. No structure changes were made to the building during renovations. Insulation was placed in the ceiling in 2006.

In conjunction with neighboring property owners, the common historic septic systems at the rear of the buildings were removed and structure fill placed in the void. A new telephone pole was placed in the structural fill to serve the entire block. An underground vault was discovered that was filled with 1920 era bottles; the nearby buildings were reportedly used as a speakeasy during prohibition. The vault was sealed to preserve the historical artifacts in place.

The exterior of the building was sand blasted to uncover the historic character of the building. Stonework was discovered at the base of the building. The upper plaster was repaired and painted to match the historic stonework. Utility and stairway easements were negotiated and recorded making way for redevelopment of adjacent buildings.

The building was acquired by the current owner in 2004. Since that time the building was leased to a variety of local Prineville startup businesses. The leases were initially low to allow the local startups time to generate revenue before the full lease took effect. Many of these local startup businesses are still in operation in Prineville today.

The community has an attachment to the building and the redevelopment efforts was completed with local contractors. Many members of the community provided input on the renovations. The renovations were completed to enhance the historical character of the building and to create a catalyst for others to follow.

Proposed use is consistent with the purpose of the C-1 zoning of the downtown core where the dominant characteristic of the downtown core will be used to promote pedestrian friendly commerce. The proposed use is consistent with past uses of the property (historic boarding house). The proposed use will result in high wage earners living in the downtown core. The local downtown core businesses will be benefit from the presence of high wage earners.

Proposed Use

The historic building has been renovated to enhance the historic character of the downtown core. The proposed use for the entire upstairs of the subject building is a Boarding House for Data Farm construction workers. We propose using 12 rooms as bedrooms. The bedrooms will have

(10) IS MAXIMUM PER CODE.

access to one private existing restroom and a gym style group restroom/showers. The gym style group restroom will have shower stalls, toilet stalls and a common sink/mirror cabinet. There will be a common recreation room and a utility room equipped with a washer and dryer.

The entire upstairs is accessed by two staircases; one on 4th Street the other on Main Street. In an effort to maximize the available rooms for the Boarding House, some existing rooms were divided; Figure 2 present the locations of the new walls. Figure 2 also presents the location of the gym style group restroom/shower facility.

At this time we have a waiting list for high wage earner construction workers to stay at the proposed Boarding House.

We appreciate your consideration of this proposal. We have been in contact with Mr. Michael LeBeau Prineville Building Department and Mr. Casey Kump Prineville Fire Marshall. Mr. Kump has toured the building.

Please let us know if there is anything thing you need from us to facilitate your review of this proposal. The owner and applicant are mother and son.

Respectfully,

Ezra Terra, Inc.

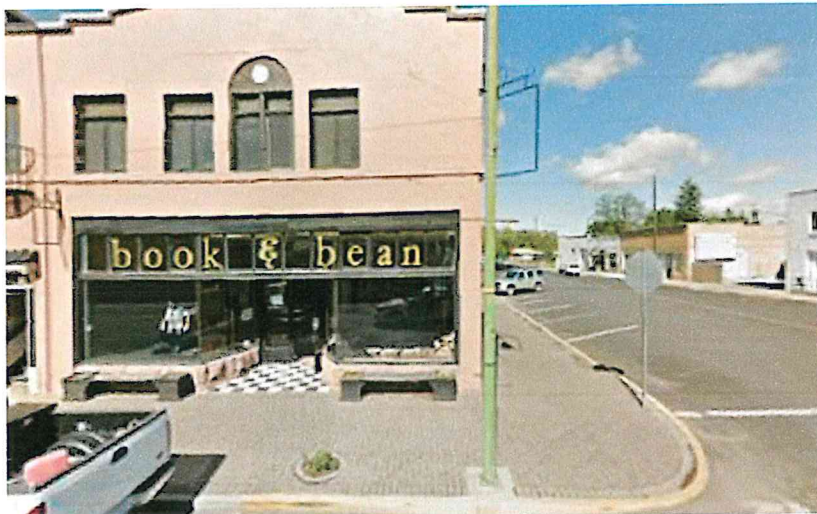
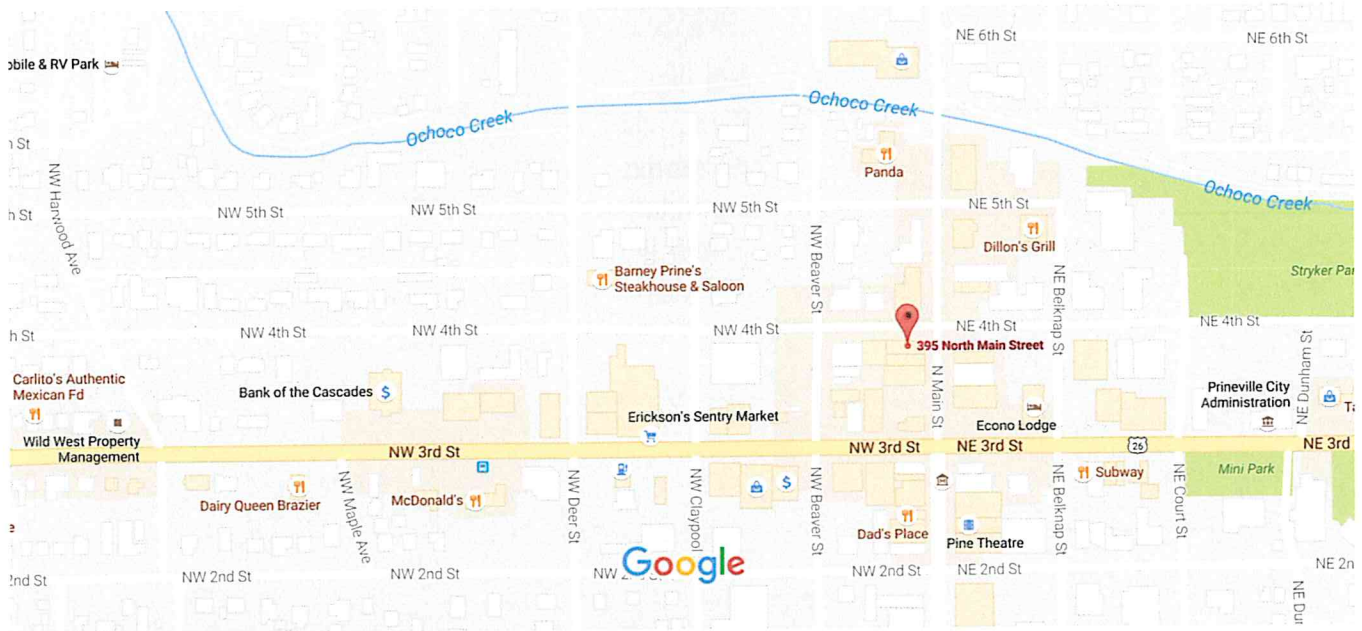
Patrick Brady, PG
CEO



Figure 1 Vicinity Map



395 N Main St
Proposed Boarding House

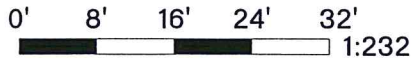
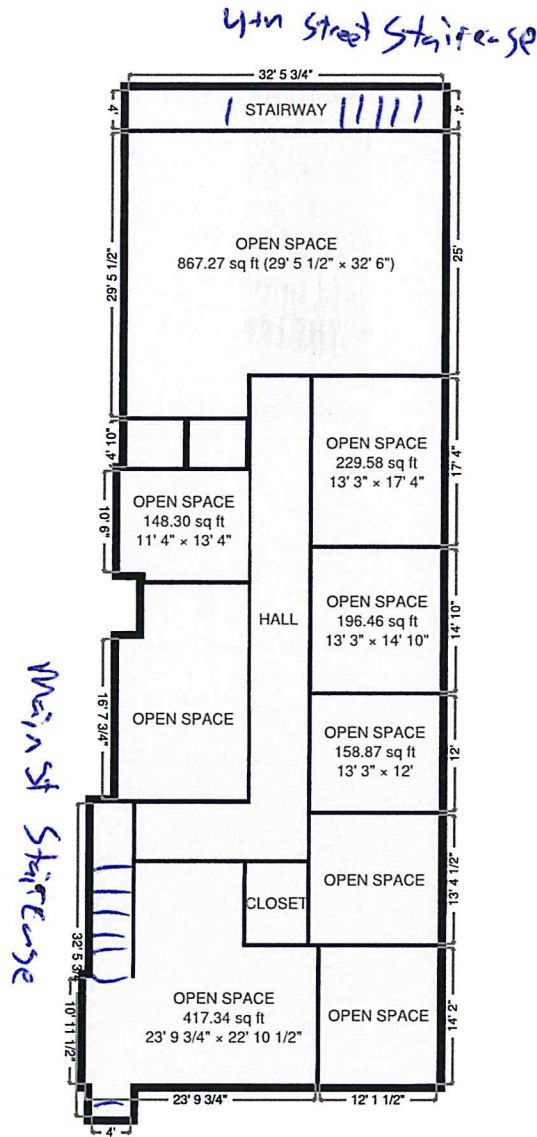


395 N Main St
Prineville, OR 97754



At this location

2nd Floor



THIS FLOORPLAN IS PROVIDED WITHOUT WARRANTY OF ANY KIND. SENSOPIA DISCLAIMS ANY WARRANTY INCLUDING, WITHOUT LIMITATION, SATISFACTORY QUALITY OR ACCURACY OF DIMENSIONS.

Plan 4

Existing floor Plan

2016-08-04

3337 sq ft

1 Floor

12 Rooms

0 Office

0 Conf. room



Undo



47m Street

35ft x 100ft
= 3500 sf
of floor
space

North →



Main Street

