



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
STAFF REPORT

Prineville Planning Commission Staff Report #2

Hearing Date: October 4, 2016

City File No.: CUP-2016-106

Applicant/Owner: Smith Landing LLC

Newspaper Notice: Planning Commission Notice – 9/9/16.

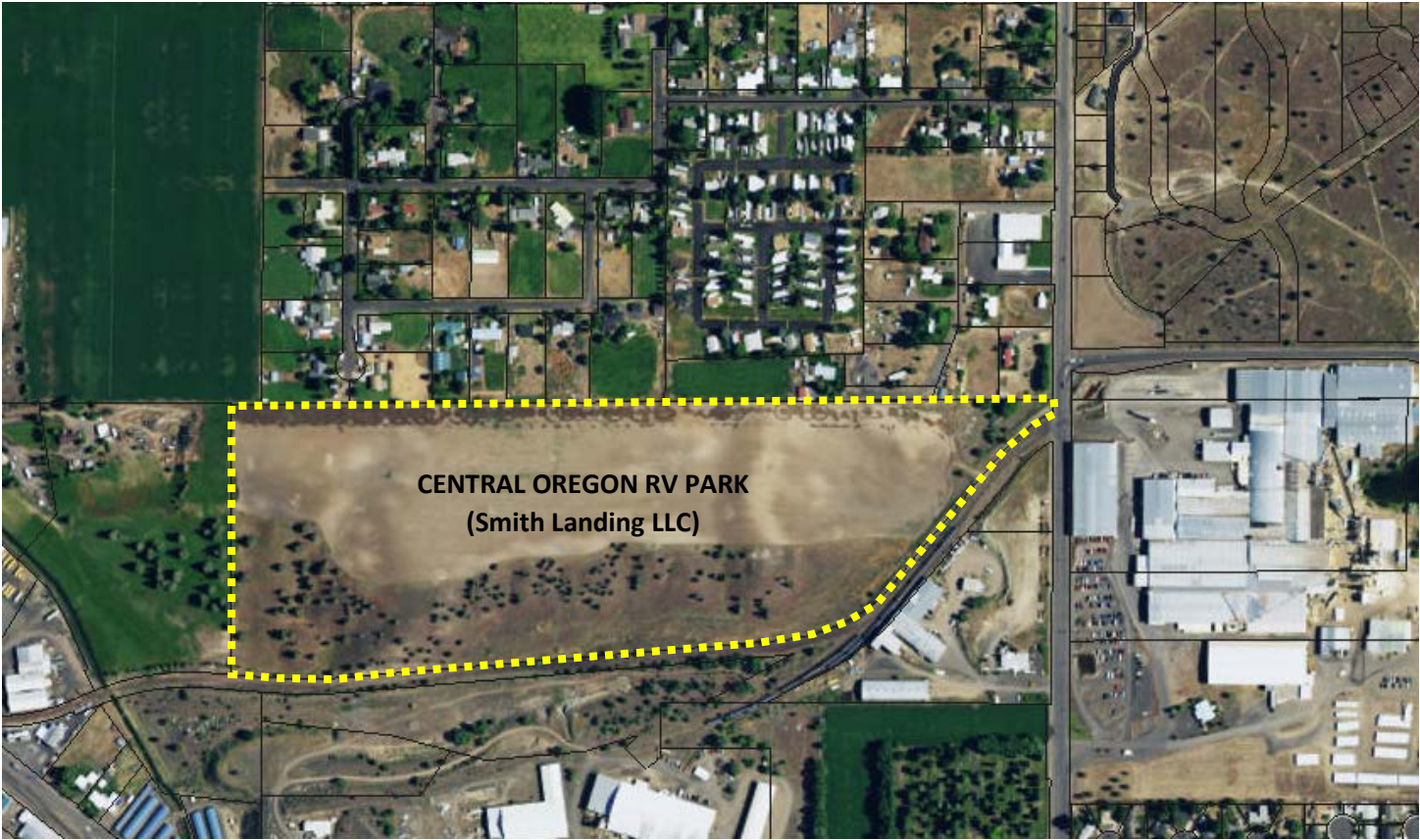
Public Hearing: Planning Commission - 9/20/16.

Staff: Phil Stenbeck, Planning Director

Applicable Criteria: City of Prineville Land Use Code Chapter 153.009, 153.014, 153.020, 153.037, 153.038, 153.060, 153.081-153.083(J), 153.135-153.138 and Chapter 153C.

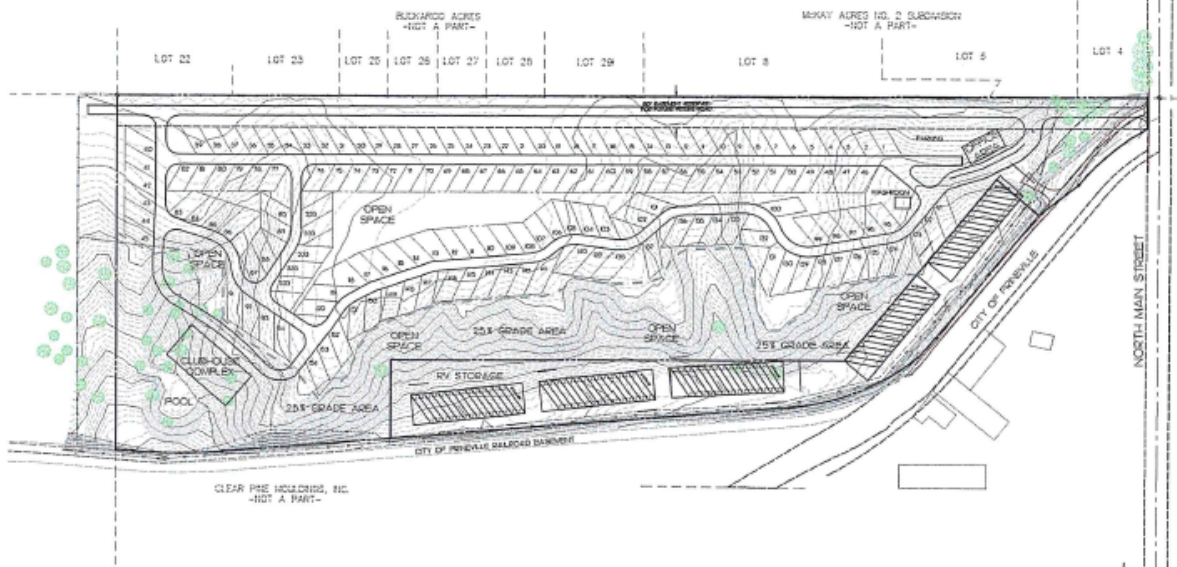
Findings of Fact:

1. **Location:** 141631A0-00100.
2. **Address:** 1965 N Main Street, Prineville, OR 97754.
3. **Proposal:** The proposed project is a Temporary Worker Housing Site (RV Park Style) Project (100 spaces) on 45.91 acres of land that is zoned Light Industrial (M1) with potentially additional phased RV Park development to follow. If approved, subsequent to this application the applicant intends to also apply for a Plan Amendment to City Residential and a Zone Change to City General Residential (R2) making this into a permanent RV Park.
4. **Zoning:** The subject property is zoned City Light Industrial (M1) and is designated as Heavy Industrial in the City's Comprehensive Plan.
5. **Lot of Record:** The property has been determined to be a legal parcel by deed.
6. **Site Description:** The property is 45.91 acres with no buildings. A 2014 aerial photograph of the property is found on page 2.



CENTRAL OREGON RV PARK - Proposed Park

Prineville, Oregon



SITE LEGEND:
 ■ EXISTING IMPROVEMENTS
 ■ NEW IMPROVEMENTS
 ■ EXISTING UTILITIES
 ■ NEW UTILITIES
 ■ EXISTING SURFACE
 ■ NEW SURFACE

PARK LEGEND:
 ■ RAMPAGE
 ■ ROAD TABLE
 ■ 40' TURNING RADIUS

OWNER:
 SMITH LANDING LLC
 1211 N. MAIN STREET, SUITE 100
 PRINEVILLE, OREGON 97754
 (503) 426-1100

Scale: 1"=100'
 0' 50' 100' 200' 300'

BY: **GV Plan Creators, Inc.**
 2450 SW 10th St.
 Prineville, OR 97754
 (503) 426-1100

CENTRAL OREGON RV PARK
 CROOK COUNTY
 Prineville, Oregon

DATE: 11/11/2011
 DRAWN: BAW/006
 2 of 3

7. **Comments:** During the notice period the City received the following agency comments.

- City Engineer comment:
Road system planning as found in the City's TSP is needed.

Finding 1: The City of Prineville finds that as found in Figure 7 of the City's Transportation System Plan, NW Peters Road is a Future Major Collector which requires an 80 foot or greater right-of-way as found in Drawing Number 2-1 in the City Standards.

Finding 2: The City of Prineville finds that as found in Figure 7 of the City's Transportation System Plan, NW Peters Road is a Future Major Collector which extends westward to LaMonta Road as an 80 foot or greater right-of-way. *The applicant shall coordinate with landowners adjacent to the west/north edge of the Smith Landing LLC property, about where the planned NW Peters Road Future Major Collector connects between the Smith Landing LLC property and the adjacent landowners on the west/north edge of the Smith Landing property. This required coordination shall be a condition of approval.*

Finding 3: *As a condition of approval, the applicant shall dedicate NW Peters Road right-of-way to at least 80 feet westward from where the applicant's property touches N Main Street to the point discussed with Armstrong Engineering and the applicant which was approximately westward about 380 feet. The right-of-way dedication shall require approval by the City Engineer.*

- OID submitted the following comments:
 - 1) The proposed development has 30.1 acres of Ochoco Irrigation District water right.
 - 2) This water right would need to be transferred off prior to development if the temporary development is going to be in place longer than 4 years and/or if permanent structures are going to be placed over water rights.
 - 3) Some water could remain and be used to irrigate open areas etc., but this would require approval of the District.
 - 4) All fees associated with transfer are the responsibility of the Developer.
 - 5) Approved pump facility from Ryegrass Canal if Irrigation water is to remain.
 - 6) There is an OID irrigation water delivery pipeline that runs parallel to the Northern boundary of the property. This would need to be further evaluated, so that disturbances or construction do not jeopardize the integrity of the pipeline and or delivery structures.

Finding 4: *The City of Prineville finds that it shall be a condition of approval that the 30.1 acres of Ochoco Irrigation District water right which shall be transferred off prior to development if the temporary development is going to be in place longer than 4 years and/or if permanent structures are going to be placed over water rights. Water can remain and be used to irrigate open areas etc., but this shall require approval by the District. All fees associated with transfer are the responsibility of the Developer. The developer shall also use an approved pump facility from Ryegrass Canal if Irrigation water is to remain in use on the site. The developer shall also coordinate with OID about the irrigation water delivery pipeline that runs parallel to the Northern boundary of the property, so that disturbances or construction do not jeopardize the integrity of the pipeline and or delivery structures.*

- Crook County Fire and Rescue Department access standards and hydrants will be required on site. **Finding 5:** *The City of Prineville finds that it shall be a condition of approval that the applicant meet the Fire Department requirements for fire protection and be approved by the Fire Marshal.*

- Bill Zelenka, Crook County Community Development Director provided the following comments: A few comments regarding the proposal to site and approval a temporary work force housing RV site in an Industrial zone. ORS 197.490 prohibits locating these sites except as provided for by ORS 446.105 which allows for the temporary siting. The timing of this provision requires Department of Consumer and Business Services to issue a permit which then allows the City to proceed to issue a permit. This Statute appears to suit the city's intent to solve the worker housing shortage, but provides a slightly different path for approval. The State has permitted this authority to the County for review and licensing pursuant to ORS 446.430. We are double checking now to see if the County has that authority.

Finding 6: *The City of Prineville finds that the County Community Development Department has indicated that ORS 197.490 prohibits locating this request at this location unless ORS 446.105 and licensing under ORS 446.430 is followed. The City of Prineville finds that this is not the case and that the cited ORS 197.490, ORS 446.105 and ORS 446.430 are not applicable as found below in Points 1, 2, 3, and 4 and this is a mute point.*

Point 1 - *As found in ORS 197.490(1), ORS 197.490 is only applicable in urban growth boundaries.*

Point 2 - *ORS 197.490 points to ORS 446.105. ORS 446.105 is only applicable to temporary mobile home [ORS 446.003(29)] or manufactured dwelling [ORS 446.003(22)(a)] parks by definition as found in ORS 446.003.*

Point 3 - *By definition, as found in ORS 446.003(25)(a)and(b) this proposed project request is for an RV park style development as mentioned in the application which will be for "Manufactured Structures" [ORS 446.003(25)(a)] from which the definition includes recreational vehicles.*

Point 4 - *ORS 446.430 points to ORS 446.062 which uses the same definitions listed above which means ORS 446.430 is not applicable to this request.*

Bill Zelenka, Crook County Community Development Director comments (continued):
It also appears that this application is dependent upon one or two other actions, such as a boundary adjustment with the City of Prineville RR which suggests potential impacts to industrial lands currently that have the ability to be served, as well as impacting the industrial lands inventory. I will be interested to see further information regarding these issues. The good news is this proposal meets the intent of the exception opportunity – it is the details that need to be addressed.

Finding 7: *The City of Prineville finds that the last sentence as shown in the preceding comments are a mute point as found in Finding 6, Points 1, 2, 3 and 4.*

Finding 8: *The City finds the following in response to the first two sentences in the second half of the comments on the bottom of the page on page 4.*

Point 1 - *The City of Prineville finds that the City has worked closely with the property owner, their surveyor, the City Manager, the City Engineer, the Railroad Manager and the Planning Director on identifying the required right-of-way for access to the property from Main Street. The access point that has been identified and surveyed meets the City's requirements for right-of-way (80 feet) as determined by City Street Standards and as found in the City Transportation System Plan.*

Point 2 - *The City of Prineville finds that Oregon's Statewide Planning Program requires updating land use inventories at periodic review should the inventory change. At this time the City finds that the City is not in Periodic Review so no update to the inventory is required. Additionally, the City of Prineville finds the City Comprehensive Plan indicates that the Smith Landing LLC property and several other industrially planned and zoned properties are inappropriately planned and zoned as Industrial land. This information which references the Benkendorf report and other City studies, can be found in Chapter 5 (Economy) of the City Comprehensive Plan, pages 79 through 85. (See property ownership named Smith in the table on Page 85.)*

Neighbor Comments: During the notice period the City received the following comments from adjacent landownerships.

- Lynda, Bruce and Jennifer Smith

We request that Smith Landing LLC be required to provide a 30 foot buffer between proposed RV park and our property, as well as a 6 foot privacy fence.

Finding 9: *The City finds the applicant is providing an 80 foot buffer and has proposed sight obscuring landscaping.*

How will compliance that the RV spaces will be occupied only by temporary workers be monitored.

Finding 10: *The City finds that, in accordance with Chapter 153C and findings in this report, the applicant is required to keep a written record of occupancy which correlates to activities found in Chapter 153C and as found in the Conditions of Approval.*

Define where the Peters Road extension will be. The City's Transportation System Plan shows that NW Peters Road is a future major collector extending westward to Lamonta Rd. This could have an impact on future development of our property and the property to the North (Rhoden's)

Finding 11: *The City finds that it is a condition of approval that the proposed NW Peters Road extension shall be reviewed and approval by the City Engineer prior to development.*

Does this proposed RV park affect adjoining properties with respect to capacity for future sewer and water hookups. We granted the City an easement across our property for the present sewer with the expectation of our property being able to connect.

Finding 12: *The City finds that the City Engineer has indicated there is adequate capacity available for future sewer and water hookups for the above mentioned properties.*

After the 2-3 year plan for the temporary worker RV site, the need for RV sites may diminish. How will this property be maintained so it does not become an eyesore or diminish adjoining property values.

Finding 13: *The City finds that the proposed request meets the intent of the City's land use code and that currently the applicant is talking about the future phase of the development which includes a site manager.*

Will there be an on-site manager to make sure park is maintained in an acceptable manner.

Finding 14: *The City finds that the applicant has indicated that there will be a site manager.*

- Pat Rhoden DeBoard Family

1). In the past, the City's transportation plan called for a main arterial road coming off of McKay Road, going through the now proposed RV park site, and then connecting to our property as well as the Smith property. The road would then continue west and eventually join with Lamonta Road". The question is how will this be preserved?

Finding 15: *The City finds that it is a condition of approval that the proposed NW Peters Road extension shall be reviewed and approval by the City Engineer prior to development.*

2). Temporary-How long is temporary? In the past we have been told of several land use issues next to our property were temporary. But there was no limit on them, just titled temporary. How will you insure this RV Park remains temporary? We understand that extensions may be needed if the demands for workers at Apple exist.

Finding 16: *The City finds that Chapter 153C, the findings in this staff report and conditions of approval all together provide certainty to the temporary nature of the proposed project and are enforceable via the conditions of approval.*

3). If the plan is to make a permanent RV park and add 60 more spaces for a total of 160 permanent RV spaces, we would like to reserve the right to comment on this process. Even as the letter by Fortis say's "We cannot guarantee the current out of area worker levels will be sustained". It seems at some point in the future the data centers will be built and the demand for work force housing will diminish. Unless there are firm, enforceable guidelines set, we feel this RV Park may not be the best for permanent status.

Finding 17: *The City finds that the applicant has the right to comment on any and all additional land use requests.*

4). As we all know Central Oregon weather can drop into the single digits and below. We have a concern that the visual aspect of skirting (insulating) these RV's if not done in a proper way can become an eyesore. What is the plan for this and how will it be enforced.

Finding 18: *The City finds that the applicant shall be required to comply with the Uniform Building Code and is encouraged to pay close attention to visual aspect of the skirting.*

5). Will there be limits on how long someone can stay?

Finding 19: *The City finds that the applicant shall be required to comply with Oregon law pertaining to RV park length of stay.*

6). How will it be monitored that only Apple employees are RV park tenants?

Finding 20: *The City finds that, in accordance with Chapter 153C and findings in this report, the applicant is required to keep a written record of occupancy which correlates to activities found in Chapter 153C and as found in the Conditions of Approval.*

7). We have been told compliance is driven by complaints. As a neighbor to a proposed RV park or new development, we feel that it should not take us complaining about an issue to bring a situation in to compliance. We have faced this multiple times in the past with other temporary land users. Typically it puts us in a position of conflict with our neighbors, that is why we feel up front the rules and guidelines should be well thought out and enforced. We encourage the Planning commission and City staff to take the appropriate time and measures to insure a successful development.

Finding 21: *The City finds that the City has a Community Service Officer who is responsible for enforcing any violations of City Codes.*

- Donna Finucane – Trustee of the Jack M Duckett and the Irene Duckett Trusts

Regarding File Number CU-2016-106, we ask that the commission consider requiring construction of a sound barrier/privacy wall, with property access gates, for the existing residential properties on the north boundary of the project.

Finding 22: *The City finds the applicant is providing an 80 foot buffer and has proposed sight obscuring landscaping. The City also finds that access to the 80 foot right-of-way requires an access permit from the City.*

The majority of these properties were constructed to face NW Reata Road - making the proposed Peters road extension and the Temporary RV and possible permanent RV park adjacent to their here-to-fore private back yards. We assume any project providing worker housing of this magnitude will be running multiple shifts and workers will come and go at various hours of the day and night. The expected traffic volume may produce considerable noise and night time light disruption to these properties.

The applicable criteria for this request is City of Prineville Land use Code Chapter 153.009 - (Compliance with other rules and regulations), C (2) - Noise pollution standards administered by DEQ and/or EPA ,page 5 of the associated staff report. Reference also: Recommended Conditions of Approval,#14, page 10 of this same staff report.

Finding 23: *The City finds that the applicant shall comply with all Federal and State regulations.*

- 8. Findings of Fact Summary:** *The City of Prineville finds the applicant is proposing a 100 space Temporary Worker Housing Site. Temporary Worker Housing Sites are allowed in the M1 zone as a Type II conditional use permit as found in Chapter 153C. The project is not expected to exceed resource carrying capacities. System Development Charges shall be paid for sewer, water and*

transportation. The applicant shall connect the 100 space Temporary Worker Housing Site to City water and sewer. Any infrastructure improvements necessary to connect to sewer and water shall be constructed by the applicant to City standards, including any infrastructure required by the Fire Department for fire protection purposes. All access isles shall be paved and appropriately marked. Improvements to the NW Peters Road and Main Street intersection shall be constructed as required by the TIA and as approved by the City Engineer. The applicant shall landscape the areas identified in the site plan. All stormwater shall be maintained onsite. Any modification of the submitted site plans shall be reviewed by the City Planning Director for consistency and intent of the original plan.

Applicable Criteria:

City of Prineville Land Use Code Chapter 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 24: Staff finds that numbers the conditions of approval for this application shall require compliance with City of Prineville Land Use Code Chapter 153.009 as found above.

City of Prineville Land Use Code Chapter 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.
- (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.
- (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).

Finding 25: Staff finds the proposed project to be compatible with the City of Prineville Comprehensive Plan and applicable policies and is consistent with the primary zone by any applicable

overlay zone and other provisions set forth by this chapter. Staff finds that there is evidence that compliance with the required permits from other local, state and/or federal agencies can be assured. Staff also finds that the proposed project does not exceed public facilities capacity.

City of Prineville Land Use Code Chapter 153.020 - SITE PLAN AND DESIGN REVIEW PROVISIONS.

Finding 26: Staff finds that for the temporary worker housing site approval, Chapter 153C shall be followed to fulfill these requirements. Staff also finds that a final site plan approval shall be required as a condition of approval to fulfill requirements found in Chapter 153.020 prior to permitting any additional sites not approved as a part of the temporary worker housing site approval.

City of Prineville Land Use Code Chapter 153.037 - COMMERCIAL & INDUSTRIAL USE TABLE

Finding 27: Staff finds that compliance with Chapter 153.037 is superceded through compliance with Chapter 153C.

City of Prineville Land Use Code Chapter 153.038 - COMMERCIAL & INDUSTRIAL DIMENSIONAL STANDARDS

Finding 28: Staff finds that the applicants design for the proposed project appears to be in compliance with Chapter 153.038.

City of Prineville Land Use Code Chapter 153.060 - LIGHT INDUSTRIAL M-1 ZONE.

Finding 29: Staff finds that the applicants proposed project appears to be in compliance with Chapter 153.060 based on review of Chapter 153C.

City of Prineville Land Use Code Chapter 153.081-153.083(J)

153.081 CLEAR VISION AREAS.

153.082 ONSITE LIGHTING.

153.083(J) STANDARDS FOR SPECIFIC USES.

Finding 30: Staff finds that the applicants proposed project appears to be in compliance with Chapter 153C. Staff also finds that the applicants proposed project shall be required to be in compliance with Chapter 153.081-153.083(J) for any additional sites not approved as Temporary Worker Housing Sites.

City of Prineville Land Use Code Chapter 153.135-153.138

153.135 AUTHORIZATION TO GRANT OR DENY.

153.136 SPECIFIC CONDITIONS.

153.137 APPLICATION FOR CONDITIONAL USE.

153.138 TIME LIMIT ON A CONDITIONAL USE PERMIT.

Finding 31: Staff finds that the applicants proposed project appears to be in compliance with Chapter 153.135-153.138 as evidenced in the application that has been submitted as part of the record.

City of Prineville Land Use Code Chapter 153C - TEMPORARY WORKER HOUSING SITE

153C.002 PURPOSE.

The Prineville City Council takes seriously the economic conditions within the City. To this end, the City Council wants to ensure that economic investment and development of businesses within Prineville are supported by land use regulations which help them achieve their goals. The City Council also takes seriously the quality of life in Prineville and to this end wishes to create land use regulations which combine local business opportunities and quality of life in harmonious manner and at the same time preserves the history of Prineville. The rental housing market in Prineville appears to be unable to keep up with the demand for housing which appears to be brought on by a regional economic upturn and significant business investment in Prineville by new and existing businesses. Currently, millions of dollars in new construction are occurring within the City of Prineville, including but not limited to over 700,000 square feet of data center development alone.

This construction activity is the catalyst for approximately 600 construction jobs with more construction jobs anticipated in the near future. Prineville's and the region's rental housing market is struggling to accommodate the influx of employees in the construction industry with local workers staying in rental housing as far away as La Pine, Oregon.

In response to this urgent identified need, the City of Prineville has developed the following Temporary Worker Housing Site land use code.

Finding 32: Staff finds that there is a temporary worker housing site need in the City of Prineville as found in the record of adoption for Chapter 153C.

153C.003 APPLICATION.

The City of Prineville must be provided an application on a form acceptable to the City for development of Temporary Working Housing Site.

- (1) *The City of Prineville must be provided a written application for development of a Temporary Worker Housing Site.*
- (2) *The written application shall come from either the land owner, the company for whom the project is being built, or from the primary general contractor for a project (the "Applicant").*

Finding 33: Staff finds that the applicant has met this criteria as found in the application to the City of Prineville.

153C.004 GENERAL CRITERIA.

- (A) **Applicable criteria.**
- (1) **A Temporary Worker Housing Site is only available for a project:**
 - (a) **Located in the Light Industrial (M1) or Industrial Park (IP) zones;**
 - (b) **With a projected value of \$10,000,000.00 or greater as calculated by the Building Official, not including land value and has a valid land use approval and building permit for the project;**
 - (c) **Which currently employs more than 200 construction workers at the project site;**

Finding 34: Staff finds that this criteria has been met as found in the application to the City of Prineville. The project site is zoned M1 and the proposed temporary worker housing site application includes a letter from Fortis Construction expressing support for the project.

- (2) **Each Temporary Worker Housing Site:**
 - (a) **is limited to 100 spaces;**
 - (b) **Shall be served by weekly trash removal service;**
 - (c) **Shall be located on a parcel of land at least six acres in size;**
 - (d) **Shall be located no closer than 600 feet from an industrial structure already built or being built unless approved otherwise by the Fire Marshall.**
 - (e) **Shall comply with City, County and State access permit requirements as applicable;**

Finding 35: Staff finds that this approval is limited to 100 spaces and shall be served by weekly trash service as a condition of approval. Staff also finds that the site complies with (2)(a),(b),(c),(d) and (e) and shall comply with access standards as found in the applicants Transportation Impact Assessment (TIA) from Kittelson and Associates and approved by the City Engineer. Improvements required by the TIA shall be a condition of approval and responsibility of the applicant.

- (3) **Each Temporary Worker Housing Site Space:**
 - (a) **shall be occupied by at least one worker employed by the landowner of the project, the company for whom the project is being built, or from the primary general contractor for the project being built;**
 - (b) **shall be served by a road, electricity, water and sewer as approved by the City Engineer, in accordance with Oregon Building Code requirements as approved by the Building Official, in accordance with the Oregon Fire Code as approved by the Fire Marshall and Recreational Vehicle Park requirements as required by Oregon law;**

Finding 36: Staff finds that this criteria shall be a condition of approval and the applicant shall keep a record of the occupancy and for whom they work for City staff review should the need arise.

- (4) **Requirements of Applicant:**
 - (a) **The Applicant shall pay City a room tax for each space at a Temporary Worker Housing Site equal to and using the same process as the City's transient room tax requirements for hotels and motels;**
 - (b) **Shall pay City System Development Charges (SDCs) as determined by the City Engineer. All paid SDC dollars are available as dollar credit (not EDU credit) in the future and run with the property.**

Finding 37: Staff finds that this criteria shall be a condition of approval and the applicant shall keep a record of the occupancy and for whom they work for City staff review should the need arise. Staff also finds that as a condition of approval the applicant shall pay SDC's as determined by

the City Engineer for water, sewer and transportation. The SDC dollars paid shall be available as dollar credit (not EDU credit) in the future and run with the property.

(5) Only one Temporary Worker Housing Site is allowed per project.

Finding 38: Staff finds that this criteria has been met because only one Temporary Worker Housing Site application has been received by the City.

(B) Approval process.

(1) The approval process for a Temporary Worker Housing Site shall follow City's Type 2 Conditional Use Permit process and fee structure found in the City of Prineville Land Use Code Chapter 153 and the City of Prineville adopted fee structure. (The Type 2 Conditional Use Permit requires Planning Commission review and approval.)

Finding 39: Staff finds that this criteria has been met as evidenced by this hearing before the Planning Commission on September 20, 2016.

(C) Duration of Site Approval.

(1) Temporary Worker Housing Site approval is limited to two years, at which time the infrastructure for water, sewer and electrical shall be removed or capped if not designed for a future development allowed outright or by conditional use permit in the zone. Future development of the site shall be a consideration in placement of infrastructure on the site.

Finding 40: The City of Prineville finds that it shall be a condition of approval that this approval is limited to two years at which time the infrastructure for water, sewer and electrical shall be removed or capped if not designed for a future development allowed outright or by conditional use permit in the zone. Future development of the site as suggested (RV Park) by the applicant shall resolve all requirements found in Section (C)(1) above.

Finding 41: The City of Prineville finds that it shall be a condition of approval that a covenant provided by the City shall be signed by the property owner and kept with this file that indicates the approval is limited in time to two years unless extended by the City Planning Commission or the property receives approval of a plan amendment and zone change.

Finding 42: The City of Prineville finds it shall be a condition of approval that any land use application requests subsequent to this approval shall comply with all City Standards including to and through standards.

(2) The Temporary Worker Housing Site approval can be extended one time for up to 1 year with good cause by applying at least thirty days prior to the expiration of the approval. The Planning Commission shall have the authority to approve the one year extension of the Temporary Worker Housing Site approval.

Finding 43: Staff finds that it shall be a condition of approval that any extension to this request shall go before the Planning Commission.

Recommended Conditions of Approval: If approved the following conditions are recommended for application CU-2016-106 to allow the Temporary Worker Housing Site in an M1 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 fire flows, sprinkler systems, fire hydrants, address signs and Knox Box locks and all other UFC requirements. Buildings proposed are 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 Planning Director will require a modification application.
3. All signs shall meet the code requirements of the City's sign code found in Chapter 152.
4. The applicant shall pay all applicable water, sewer and transportation system development charges (SDCs) prior to issuance of a building permit. The SDC for traffic is based on the applicant's traffic study. Water and sewer SDCs will be based on the number and size of the water meters needed to serve the development.
5. The applicant shall construct all onsite improvements as shown in the submittal for the first 100 spaces identified in the site plan and as required by City Code and Standards prior to occupancy. These improvements include but are not limited to onsite drainage facilities, landscaping, internal sewer and water services and fire suppression requirements, weekly trash service and N Main Street and NW Peters Road improvements as found in the TIA and dedication of the NW Peters Road right-of-way as found in Finding 3.
6. The applicant shall connect to City Sewer and Water and construct any public or private infrastructure necessary to do so, to City Standards.
7. The applicant shall submit construction drawings for public infrastructure for review and sign off by the City Engineer per the City's Standards and Specifications and pay the appropriate fee for the review.
8. The applicant shall landscape the areas identified in the site plan per the submitted landscape plan. Modifications shall be reviewed by the City for consistency and intent of the original plan.
9. The applicant shall provide paved access and parking as proposed, that is properly marked including designated ADA spaces.
10. 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, a 1200-C stormwater permit if required by DEQ and licensing found in ORS 446.321 with the Oregon Health Authority (OHA).
11. As suggested by the applicant, a follow up application for a plan amendment and zone change to a residential designation, shall also include a sight plan for any additional RV spaces which will run concurrently and be treated as a major expansion of the existing use. The application may require additional SDCs, and City Engineer review and approval of access and additional parking requirements.
12. The proposed development has 30.1 acres of Ochoco Irrigation District water right which shall be transferred off prior to development if the temporary development is going to be in place longer

than 4 years and/or if permanent structures are going to be placed over water rights. Water can remain and be used to irrigate open areas etc., but this shall require approval by the District. All fees associated with transfer are the responsibility of the Developer. The developer shall also use an approved pump facility from Ryegrass Canal if Irrigation water is to remain in use on the site. The developer shall also coordinate with OID about the irrigation water delivery pipeline that runs parallel to the Northern boundary of the property, so that disturbances or construction do not jeopardize the integrity of the pipeline and or delivery structures.

13. 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. If plantings fail to survive, it is the responsibility of the property owner to replace them.
14. 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. Should a nuisance be declared the owner shall correct the issue in order to bring the development back into compliance with City Ordinances.
15. The applicant shall not allow onsite lighting to shine directly onto adjoining properties or public rights-of-way.
16. The applicant shall maintain all storm water drainage on site and not allow it to flow onto neighboring properties or public rights-of-way. Should storm water become an issue additional drainage basins or swales shall be provided to retain runoff.
17. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances.
18. The City of Prineville finds that it shall be a condition of approval that this approval is limited to two years at which time the infrastructure for water, sewer and electrical shall be removed or capped if a land use approval for continuing the use is not approved outright or by conditional use permit in the zone.
19. The City of Prineville finds that it shall be a condition of approval that a covenant provided by the City shall be signed by the property owner and kept with this file that indicates the approval is limited in time to two years unless extended by the City Planning Commission or the property receives approval of a plan amendment and zone change.
20. The City of Prineville finds it shall be a condition of approval that any land use application requests subsequent to this approval shall comply with all City Standards including to and through standards.
21. The Temporary Worker Housing Site approval can be extended one time for up to 1 year with good cause by applying at least thirty days prior to the expiration of the approval. The Planning

Commission shall have the authority to approve the one year extension of the Temporary Worker Housing Site approval.

22. It shall be a condition of approval that any extension to this request, which is valid for two years from the date the decision is signed by the Planning Commission, shall go before the Planning Commission for approval of an extension.
23. Staff finds that the applicant shall keep a record of the occupancy and for whom they work for City staff review should the need arise.

MOTION IN FAVOR

The Staff Report and record of 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.

Respectfully submitted



Phil Stenbeck, Planning Director