

**BEFORE THE CITY OF PRINEVILLE  
COMMUNITY DEVELOPMENT DEPARTMENT**

**CONDITIONAL USE PERMIT APPLICATION**

**BURDEN OF PROOF STATEMENT**

**APPLICANT:** Lutheran Community Services Northwest  
Contact: Jake Fournier  
4040 S 188<sup>th</sup> Street, Suite 300  
SeaTac, WA 98188-5070  
253-330-0890  
[jfournier@lcsnw.org](mailto:jfournier@lcsnw.org)

**PROPERTY OWNER:** Pioneer Memorial Hospital – Prineville  
Contact: Brian Barney

**ATTORNEY:** Elizabeth Dickson  
Dickson Hatfield, LLC  
Attorneys for Applicant  
747 SW Mill View Way  
Bend, OR 97702  
541-585-2229  
[eadickson@dicksonhatfield.com](mailto:eadickson@dicksonhatfield.com)

**STAFF REVIEWER:** Phil Stenbeck, Planning Director  
City of Prineville Community Development Dept.  
387 NE Third Street  
Prineville, OR 97754

**REQUEST:** Conditional Use Permit to allow existing medical services Building (Pioneer Memorial Hospital) to be used for various medical uses in limited residential zone.

**SUBJECT PROPERTY:** Township 14 South, Range 16, East of the Willamette Meridian, Section 32, Tax Lots 100 and 101. Commonly known by the situs address 1201 NE Elm Street, Prineville, Oregon 97754, Pioneer Memorial Hospital.

## TABLE OF CONTENTS

	<u>PAGE</u>
I. <u>INTRODUCTION</u>	4
II. <u>APPLICABLE CRITERIA &amp; STANDARDS</u>	4
III. <u>BASIC FINDINGS</u>	4
SUBJECT PROPERTY	4
ZONING	4
SITE DESCRIPTION	4
REQUEST	4
IV. <u>COMPLIANCE WITH APPLICABLE CRITERIA &amp; STANDARDS</u>	5
V. <u>CONCLUSION</u>	32

## **EXHIBIT SCHEDULE**

- A. Aerial Photo of site, with both proposed and existing operating facilities marked;
- B. Aerial Photo of site, with proposed operating facilities only; and
- C. Letter of Authorization dated December 13, 2016.

## **I. INTRODUCTION**

Lutheran Community Services Northwest (LCSNW), a non-profit health services provider, would like to buy the vacant Pioneer Memorial Hospital building at 1201 NE Elm Street if they can obtain necessary permits to reopen the facility for provision of behavioral health services and counseling. This use would be site replacement for the services they are currently providing at the Prineville Associates Medical Building immediately to the north, at 1251 NE Elm Street.

This application requests a Type II Conditional Use Permit to operate a “hospital and other medical services” facility in the City’s R-1 Zone, at the Pioneer Memorial Hospital site.

## **II. APPLICABLE CRITERIA & STANDARDS**

### ***CITY OF PRINEVILLE LAND USE CODE***

#### **Chapter 153: Land Development**

The City of Prineville Land Use Code (PLUC) classifies the proposed use as a “Hospital and other medical service facilities.” Placement of this use in the R-1, Limited Residential Zone, requires approval as a Type II Conditional Use, pursuant to the Table at PLUC 153.035. Thus, this use must satisfy approval criteria for both the R-1 Zone and conditional uses. These provisions will be discussed in detail below.

## **III. BASIC FINDINGS**

**SUBJECT PROPERTY:** Township 14 South, Range 16, East of the Willamette Meridian, Section 32, Tax Lots 100 and 101. Situs Address is 1201 NE Elm Street, Prineville, Oregon, 97754, also known as the Pioneer Memorial Hospital.

**ZONING:** Limited Residential R-1 zone.

**SITE DESCRIPTION:** The Pioneer Memorial Hospital site at 1201 NE Elm Street, Prineville Oregon will be used in its entirety for the proposed use.

**REQUEST:** Type II Conditional Use Approval to operate a behavioral health services and counseling facility on site.

## **IV. COMPLIANCE WITH APPLICABLE CRITERIA & STANDARDS**

### ***CITY OF PRINEVILLE LAND USE CODE***

#### **CHAPTER 153: LAND DEVELOPMENT**

##### **153.004 Definitions.**

**HOSPITAL.** An establishment, publicly or privately operated, which provides sleeping and eating facilities to two or more non-related persons receiving medical, obstetrical or

**surgical care, and other healing, curing and/or nursing services over a period exceeding 24 hours.**

Response:

The proposed use may be characterized as within this definition. The facility will provide these relevant services:

- Clinic-based integrated health services;
- Individual and group-based behavioral health clinical outpatient services for both adults and children (in separate functions);
- Contracted (St. Charles) outpatient physician and nursing services;
- Residential-based health services;
- Individual and group-based substance abuse services for outpatients; and
- Health services administration.

**RESIDENTIAL CARE FACILITY. A residential care, residential training or residential treatment facility licensed or registered by or under the authority of the Department of Land Conservation and Development, as defined in ORS 443.440, under ORS 443.400 to 443.460 or licensed by the state Office for Services to Children and Families, under ORS 418.205 to 418.327 which provides residential care alone or in conjunction with treatment or training or a combination thereof for 6 or more individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. (ORS 197.660). Does not include a residential school, state or local correctional facilities, a nursing home, a hospital, a place primarily engaged in recreational activities, a foster home, a place providing care and treatment on less than a 24-hour basis, or a child-caring agency or residential school or other organization certified or licensed by the Children’s Services Division under ORS 418.205 to 418.327.**

Response:

The proposed use of this facility could, in part, meet this definition. However, the definition expressly excludes a hospital or a place providing care and treatment on less than a 24-hour basis. This definition is therefore not applicable to the instant application.

**RESIDENTIAL CARE HOME. A residential treatment or training or an adult foster home, licensed by or under the authority of the state Mental Health and Development Disability Services Division or the Senior and Disabled Services Division or the office of Alcohol and Drug Abuse Programs, as appropriate, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for 5 or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. (ORS 197.660).**

Response:

This definition is not pertinent to the instant application, because there will be more than “5 or fewer individuals” under treatment at the proposed facility.

**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 compliances 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.**

Response: These criteria will be addressed, where relevant, specifically below.

***SITE AND BUILDING DESIGN REVIEW***

**153.020 Site Plan and Design Review Provisions.**

- (A) Purpose.**
  - (1) The purpose of the design review provisions of this chapter is to ensure that development within the city complies with standards and**

**limitations set forth within the applicable zoning regulations, other city standards and requirements, and with applicable county, state and federal regulations. It is also the intent of these provisions that some level of review be exercised regarding the aesthetics of developments for the goal of maintaining the desirable character and living quality of the community or of specific areas within the community. The overall community character and living quality is defined by the following: keeping buildings in scale; honoring the beauty and ecology of the city's natural setting; and recognizing that historical and natural features are an integral part of the community's overall character.**

- (2) This broad purpose is furthered by the following specific purposes of design review.**
- (a) To implement the goals and policies of the Comprehensive Plan.**
  - (b) To foster development that is designed, arranged and constructed in a manner that provides a safe, efficient and aesthetically pleasing community asset.**
  - (c) To encourage originality and creativity in site design, architecture and landscape design.**
  - (d) To ensure required public and site improvements and ensure that the arrangement of all functions, uses and improvements of a development reflect the natural amenities, capabilities and limitations of its site and adjacent areas.**
  - (e) To encourage development where the various structures, use areas and site elements are integrated in a manner that is visually harmonious within the development and the surrounding area.**
  - (f) To encourage development and landscape design that complements the natural landscape and setting, improves the general appearance of the community and enhances specific elements of the manmade environment, both presently and historically.**

Response:

This proposal requests authorization to reuse an existing building, the Pioneer Memorial Hospital. The existing building is a significant resource of the City of Prineville (the "City"), and such reuse is in compliance with City goals and applicable land use code. The public benefits from such repurposing and allows the unique asset of the hospital to be utilized to the community's benefit. Because this is not a new building, the design aspects of the criteria are properly applied differently to reduce waste that would otherwise occur from requiring reconstruction of the existing resource.

The prior function of the hospital, in relation to traffic, water, sewer, natural amenities, landscaping, and integration with the surrounding community worked well, largely because of

the surrounding residential development built up around it. Unlike a new development, the track record of this facility is known, and may be relied upon in evaluation of this application for approval.

- (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.**

Response:

This building is not new development. It is resurrection of a prior use discontinued in part on September 21, 2015 and in part during 2016 (pharmacy services). No site clearing activities shall be required. This criterion is not properly applied to the instant application.

- (C) **Exemptions.** The following are exempt from the site and building design review process.
- (3) **Exterior remodeling and/or expansion of a use up to and not exceeding 25% of the total square footage (including upper floors) of all structures on a specific lot or parcel under unit ownership, however, it shall meet the “Site design evaluation criteria”(G)(2) below.**
  - (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.**

Response:

This application proposes a use that is very similar to the previous use, in that both qualify as “Hospital” as defined in the PLUC. It is expected to be of lesser impact than the prior use because there will be no emergency vehicles bringing emergency/trauma patients to the facility. Thus, this application is properly exempt from the Site and Building Design Review process.

- (5) **Painting, replacement of roofing and siding, and other normal maintenance and upkeep requirements which are not subject to regulation under the provisions of this chapter or any other applicable city, county, state and/or federal regulations.**



- (6) Activities that are determined to comply with section 153.120 (EXCEPTION, MINOR REPAIR/REHABILITATION).

**CLASSIFICATION OF ZONES.**

**153.030 Classification of Zones.**

For the purposes of this chapter, the city of Prineville and the applicable Urban Growth Boundary (UGB) area are divided into zones designated as follows:

Section	Zone Title	Abbreviated Designation
153.045	Limited Residential	R-1

Response: Applicant will respond to specific requirements of the R-1 zone below.

**ZONING TABLES (only applicable provisions included here)**

**153.035 Residential Use Table.**

<u>Use Classifications</u>	<b>R1</b>
<b><u>PUBLIC / SEMI-PUBLIC/NONPROFIT USES</u></b>	<b>R1</b>
Community building or use owned and operated by a public or nonprofit agency or organization	T2
<b><u>COMMERCIAL USES</u></b>	<b>R1</b>
Hospital and other medical service facilities	T2

**R1 (Limited Residential Zone)**

O – Outright (Administrative); T1–Conditional Use (Hearing may be required); T2-Conditional Use (Hearing required).

**153.036 Residential Dimensional Standards.**

	<b>R-1</b>
	<b>Limited</b>
<b>Minimum lot area (public water and sewer required)<sup>1, 2</sup></b>	
<b>Non-residential uses</b>	<b>N/A</b>

<sup>1</sup> Must have public water and sewer in R-1, R-2, R-4 and R-5 zones but may be community system(s) in R-3 zone.

<sup>2</sup> Unless classified as a multi-family dwelling complex, minimum lot area shall be calculated as the cumulative total square footage required for each type of building on the site.

	<b>R1</b>
<b>Minimum Setbacks (ft.):</b>	
<b>Front yard (local street)</b>	<b>10</b>
<b>Front yard (Collector or Arterial)</b> <sup>5</sup>	<b>10</b>
<b>Carport/Garage entrance to Public street/Alley</b>	<b>20</b>
<b>Carport/Garage entrance to Public sidewalk</b>	<b>25</b>
<b>Side yard</b>	<b>5</b>
<b>Side yard corner lot (street side)</b>	<b>10</b>
<b>Side yard multi-story attached homes</b>	<b>10</b>
<b>Rear yard</b>	<b>10</b>
<b>Rear yard corner lot</b>	<b>5</b>
<b>Rear yard adjacent to alley</b>	<b>10</b>
<b>Accessory (no building permit)</b>	<b>3</b>
<b>Projections into setback</b> <sup>6</sup>	<b>2</b>

<sup>5</sup> Plus that which is necessary to meet street and sidewalk right-of-way standards.

<sup>6</sup> May project 2 feet into a setback provided the projection is not closer than 3 feet to a property line.

Response:

The LCSNW facility will have public water and sewer as a continuation of the services already available to the Pioneer Memorial Hospital building. Setbacks and related standards are no irrelevant to this commercial use, but rather are not applicable as noted above.

<b>Minimum Street Frontage (ft.):</b>	
<i>See 153.191(C) for exceptions.</i>	
<b>Standard Street</b>	<b>50</b>

Response:

The hospital building's street frontage exceeds 50 feet. This standard is met. See **Exhibit A**, Aerial Photo.

<b>Maximum Building Coverage (%):</b> <i>Open air covered porches are excluded from lot coverage.</i>	
<b>All Buildings</b> <b>(percentage of lot) <sup>8</sup></b>	30%
<b><sup>8</sup> The calculation for lot coverage excludes up to 500sq.ft. of a garage or attached carport</b>	

Response:

The hospital building itself does not exceed the 30% standard. See **Exhibit A**, noting parking area. This standard is met.

<b>R1</b>	
<b>Maximum Height (ft.):</b> <i>Measured to the highest point from the natural grade, grade is averaged on sloped properties.</i>	
<b>All Buildings</b>	<b>30 ft.</b>
<b>Exceptions to height limit</b>	<b>Hospitals, churches and public schools may be increased to 45 feet</b>
<b>Clear Vision - street intersection</b> <b>(measured from curb)</b>	<b>25 ft.</b>
<b>Clear Vision - alley or pedestrian path</b> <b>(measured from curb or edge)</b>	<b>15 ft.</b>

Response:

As noted above, hospitals are exempt from these requirements.

***SPECIFIC ZONE REQUIREMENTS***

**153.045 Limited Residential R-1 Zone.**

**In an R-1 Zone, the following regulations shall apply.**

- (A) **Purpose.** The purpose of the R-1 Zone is to preserve the existing characteristics of certain residential areas within the city which are predominantly single family, owner occupied, conventional type housing; for example, the Ochoco Heights and Northridge Areas.

Response:

Because this proposal uses a structure in operation since 1958, its use will preserve the existing characteristics of the residential community in which it is situated. This standard is satisfied.

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

Response: See specific responses below.

- (C) **Design Review.** Provisions set forth in 153.020. Except single family and two-family/duplex dwellings and their accessory structures.

Response:

Because this proposal is for a similar use within an existing structure with same or less adverse impacts, design review is not required. See above.

- (D) **Off-street parking and loading.** Provisions set forth in 153.085 and 153.086.

Response: These provisions are addressed specifically below.

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

Response:

Because this application is exempt from design review, this criterion is not applicable.

- (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.

Response:

Because this application is exempt from design review, this criterion is not applicable.

- (G) **Minimum sidewalk requirements.** Whether replacing or required by design review; sidewalks shall be constructed to City Standards and Specifications.

**The minimum sidewalk width in an R-1 Zone is 5ft., unless otherwise approved under section 153.194 (V)(1).**

Response: Sidewalks are provided to the required width on the existing site. See **Exhibit A**.

**(H) Signs. In an R-1 Zone, signs are permitted in accordance with the provisions set forth in Chapter 152 as amended.**

Response:

Existing signage shall be replaced as required. Signage shall be approved by separate application as required.

**(I) Limitations on Use. In an R-1 Zone, 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. Domestic livestock are permitted, but only in compliance those provisions set forth in 153.096 of this chapter. No animal is permitted to run at large, animals shall be confined to an individual owner's property. Any animals permitted to run at large are hereby declared a nuisance and may be abated as such.**

Response:

The proposed use will be wholly contained within the hospital building, so will not create impacts conflicting with surrounding residential uses. This is proven by the exemplary record of the operation of LCSNW's current facility at 1251 NE Elm Street. Specifically, no public nuisance complaints have been filed against the existing facility, and none are foreseeable in the operation of the expanded facility. Odors are contained to controlled areas of disposal within the facility in accordance with state and federal law. No dust-causing activities are foreseeable. Noise will be wholly contained, as no ambulance services are planned for operation of this facility, so no sirens, flashing lights, or other non-compatible activities are planned. This application meets the requirements of this provision.

**153.082 Onsite Lighting.**

**(A) As part of any application for a development or any use within the City, all on-site lighting shall be designed, located, shielded or deflected, so as not to shine directly onto adjoining properties, impair the vision of a driver of any vehicle or be a hazard to aircraft operations within the area.**

Response: Compliant lighting shall be installed as required.

**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.**

Response: See detailed discussion related to specific criteria.

**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.**

Response:

See **Exhibit A**. Off-street parking is provided currently, and is extensive, as it was designed for a more intensive use of a fully functioning regional hospital, including emergency services.

- (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.**

Response: No expansions are proposed.

- (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;**

Response: This provision is not applicable to the instant application.

- (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.**

Response: No exterior remodeling or expansion is proposed.

- (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.**

Response:

The prior hospital use in the existing facility has been deemed to have been terminated more than one year prior to the date of this application. Though the proposed use is substantially similar to the prior use, this cannot be classified as a simple “change of use” as we understand the City’s interpretation of its code. Nevertheless, Applicant will be occupying an existing building and site and will be providing hospital services as those services are defined in the PLUC. Traffic impacts are expected to be substantially less than the prior use, considering that LCSNW foresees they will employ 52 persons and see approximately 75 patients per day, during operating hours of 8 a.m. to 6 p.m., Monday through Friday, excepting holidays. Patients staying overnight will be admitted and discharged during these operating hours.

- (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.**

Response: Applicant will comply with City standards as required.

- (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 and parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirement.**

*(Only applicable provisions included here.)*

<i>Use Description</i>	<i>Minimum Requirements</i>
<b>Hospital</b>	<b>1 space per each 4 beds, plus 1 space per employee on the largest work shift.</b>





Response: Applicant will comply with stated standards. See **Exhibit A**, attached.

**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.
- (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.
- (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.
- (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.
- (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:
  - (1) Parking in conjunction with single and two family dwellings
  - (2) Parking and maneuvering of heavy equipment (ex. Saw mills, lumber yards, heavy equipment yards, shipping yards and warehousing)
  - (3) Storage of bulky merchandise (ex. building materials, ranching and farming materials, contractor yards).
- (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.



- (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.**
- (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.**
- (4) In areas that are duly designated for parking, parking spaces shall be permanently and clearly marked except as otherwise approved by the city.**
- (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.**
- (6) Artificial lighting for parking areas which may be provided or 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.**
- (G) Unless otherwise provided for, required parking spaces and other nonstructural parking facilities may be located in required yards and 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.**
- (I) Except as may be approved or required otherwise the standards set forth in the table that follows shall be the minimum for parking lots approved under this section and this chapter (all figures are in feet except as noted).**

<i>Parking Angle</i>	<i>Stall Width ft.</i>	<i>Stall depth ft.</i>	<i>Curb Length ft.</i>	<i>Drive Aisle Width ft.</i>
				
0°	8.5	8.5	23.0	12.0
20°	8.5	14.5	24.9	11.0
30°	8.5	16.9	17.0	11.0
40°	8.5	18.7	13.2	12.0
45°	8.5	19.4	12.0	13.5
50°	8.5	20.0	11.1	12.5
60°	8.5	20.7	9.8	18.5
70°	8.5	20.8	9.0	19.5
80°	8.5	20.2	8.6	24.0*
90°	8.5	19.0	8.5	25.0*
*Two-way circulation				

- (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.
- (K) **Loading and Unloading.**
- (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 and 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.
- (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.
- (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.
- (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.**

- (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.**
  - (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.**
  - (5) The number of required service drives shall be determined by the City Superintendent of Public Works, City Council or other jurisdictional authority.**
  - (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.**
  - (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.**

Response:

The instant application proposes to repurpose an existing building: Pioneer Memorial Hospital. Existing parking facilities have been adequate for the prior, more intensive use. Applicant requests that the city approve the existing application with the consideration that the number of employees, patients, and vendors will be less than those of the prior use, so will be adequate to meet the needs of the facility without creating overflow for the neighboring community.

**153.087 Landscaping 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.**

Response:

The instant application is not properly subject to design review plan approval, as discussed in detail above.

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

- (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.**
  
- (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.**
  
- (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.**

Response:

As noted above, the design review criteria may be determined to be inapplicable to the instant application.

**153.097 Compliance with State/Federal Rules.**

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

Response: Applicant shall obtain all necessary licenses and determinations of compliance.

- (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.**

Response: Applicant shall provide all such approvals in a timely manner.

**(C) Specific 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).**

Response: See response above.

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

Response: See response above.

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

Response: See response above.

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

Response: See response above.

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

Response: See response above.

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

Response: See response above.

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

Response: None are planned.

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

Response: See response above.

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

Response: See response above.

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

Response: No excavation, grading, mining, or similar regulated activities are proposed.

- (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.**

Response: No surface water impact activities are proposed.

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

Response: See response above.

- (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).**

Response: No uses proposed will impact fish and wildlife habitat.

### ***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.**

Response:

Applicant LCSNW proposes to use the Pioneer Memorial Hospital building to provide Behavioral Health Services and Counseling, also a “hospital” use in accordance with the PLUC definition as noted above. The hospital use existed prior to the effective date of this code provision, but was briefly discontinued in part on September 21, 2015. Pharmacy services continued for approximately six months, to March of 2016. Because the prior use was



established in 1958, no code analysis was made for the establishment of the use. This application requests approval of the same type of use by a new owner in an existing building.

- (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.**

Response:

Because the prior hospital was not a conditional use, but rather a non-conforming use, this provision does not apply.

**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.**

Response:

Elizabeth Dickson of Dickson Hatfield LLC is authorized agent for the Applicant. See Letter of Authorization attached as **Exhibit C**. Owner Pioneer Memorial Hospital has entered into a contract of sale with LCSNW including permission for LCSNW to apply for a conditional use permit for the Subject Property.

**153.138 Permit Processing: Type I And II.**

**Conditional uses set forth by this chapter may be classified as either a type I or II conditional use. If the classification is not set forth, all such uses shall be processed in accordance with the type II processing requirements set forth hereinafter.**

- (A) **Type I conditional use. The City Planning Official shall, within five working days of the receipt of a completed application for a type I conditional use provide individual written notice of the application to the owners of property within 100 feet of the exterior boundaries of the subject property, excluding**

**public streets and ways, other identifiable potentially affected persons or parties including agencies, special districts, City and/or County Planning Commission and any persons or parties specifically requesting the notice. The notice shall provide for a minimum of 10 days for all such persons, parties, agencies, districts and owners to respond relative to the subject proposal. If no objection is received within the response period the Planning Official may take action on the subject proposal for approval, approval with amendments, modifications and/or conditions for denial or may refer the subject application to the Planning Commission for public hearing. If one or more objections are received within the response period, the subject application shall be referred to the Commission for public hearing. The applicant shall be required to pay any additional hearing fees prior to scheduling the public hearing.**

Response: This provision is not applicable to the instant application.

- (B) Type II conditional use. An application for a type II conditional use shall be subject to review by the Planning Commission in accordance with the public hearing requirements of 153.255.**

Response:

Applicant will provide requested information, evidence, and authorizations to the Planning Commission for hearing on review.

**153.139 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.**

Response:

Applicant will comply with the one year limitation, and establish the repurposed use prior to the deadline.

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

Response: No response required.

- (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.**

Response: No response required.

## ***DESIGN AND IMPROVEMENT STANDARDS/REQUIREMENTS***

### **153.190 Compliance Required.**

**Any land division or development and the improvements required therefore, whether by subdivision, PUD, partitioning, creation of a street or other right-of-way, zoning approval or other land development requiring approval pursuant to the provisions of this chapter, shall be in compliance with the design and improvement standards and requirements set forth in this subchapter, in any other applicable provisions of this chapter, in any other provisions of any other applicable city ordinance, in any applicable provisions of county ordinances or regulations or in any applicable state statutes or administrative rules.**

### **153.195 Access Management.**

- (A) General. Access management restrictions and limitations consist of provisions managing the number of access points and/or providing traffic and facility improvements that are designed to maximize the intended function of a particular street, road or highway. The intent is to achieve a balanced, comprehensive program which provides reasonable access as new development occurs while maintaining the safety and efficiency of traffic movement.**

Response:

Because this is a reuse of an existing hospital, it is anticipated that existing access patterns will be used. These have been demonstrated to be sufficient in the past for higher volume and 24 hour medical services, including emergency services. It is Applicant's hope that the existing access pattern will meet City needs.

- (B) Access management techniques and considerations. In the review of all new development, the reviewing authority shall consider the following techniques or considerations in providing for or restricting access to certain transportation facilities.**
- (1) Access points to arterials and collectors may be restricted through the use of the following techniques.**
- (a) Restricting spacing between access points based on the type of development and the speed along the serving collector or arterial.**
- (b) Sharing of access points between adjacent properties and developments.**
- (c) Providing access via a local order of street; for example, using a collector for access to an arterial, and using a local street for access to a collector.**

- (d) **Constructing frontage or marginal access roads to separate local traffic from through traffic.**
- (e) **Providing service drives to prevent spill-over of vehicle queues onto adjoining roadways.**
- (f) **Requiring internal circulation with adjoining lots for pedestrians and vehicles (Internal Parcel Circulation) to avoid additional access points and unnecessary trips on and off the public street.**

Response: See response under (A) above.

- (2) **Consideration of the following traffic and facility improvements for access management.**
  - (a) **Providing of acceleration, deceleration and right-turn-only lanes.**
  - (b) **Offsetting driveways to produce T-intersections to minimize the number of conflict points between traffic using the driveways and through traffic.**
  - (c) **Installation of median barriers to control conflicts associated with left turn movements.**
  - (d) **Installing side barriers to the property along the serving arterial or collector to restrict access width to a minimum.**

Response: See response under (A) above.

(C) **General access management guidelines. In the review and approval of new developments, the reviewing authority shall consider the following guidelines.**

- (1) **Minimum spacing between driveways and/or streets:**

<b>Major arterial</b>	<b>500 feet</b>
<b>Minor arterial</b>	<b>300 feet</b>
<b>Collector</b>	<b>50 feet</b>
<b>Local streets</b>	<b>access to each lot</b>
- (2) **Minimum spacing between street intersections:**

<b>Major arterial</b>	<b>1/4 mile</b>
<b>Minor arterial</b>	<b>600 feet</b>

Collector	300 feet
Local streets	300 feet

Response: See response under (A) above.

**153.196 Improvement Procedures.**

Improvements to be installed by the subdivider, either as a requirement of this chapter, conditions of approval or at the developer's option as proposed as a part of the subject development proposal, shall conform to the following requirements.

- (A) **Plan review and approval.** Improvement work shall not be commenced until plans therefore have been reviewed and approved by the City Engineer or a designated representative thereof and a “Notice to Proceed” has been issued by the City. The review and approval shall be at the expense of the developer.

Response: Applicant shall comply with this requirement as needed.

- (B) **Modification.** Improvement work shall not commence until after the city has been notified and approval thereof has been granted, and if work is discontinued for any reason, it shall not be resumed until after the city is notified and approval thereof granted.

Response: See response under (A) above.

- (C) **Improvements as platted.** Improvements shall be designed, installed and constructed as platted or approved. Engineered plans shall be filed with the City prior to recordation of the final plat or as otherwise required by the city.

Response: See response under (A) above.

- (D) **Inspection.** Improvement work shall be constructed under the inspection and approval of an inspector designated by the city, and the expenses incurred therefore shall be borne by the developer. The city, through the City Engineer, may require changes in typical sections and details of improvements if unusual or special conditions arise during construction to warrant such changes in the public interest.

Response: See response under (A) above.

- (E) **Utilities.** Underground utilities, including, but not limited to electric power, telephone, water mains, water service crossings, sanitary sewers and storm drains, to be installed in streets shall be constructed by the developer prior to the surfacing of the streets.

Response: See response under (A) above.

- (F) **As built plans.** As built plans for all public improvements shall be prepared and completed by a licensed engineer and filed with the city upon the completion of all such improvements.

Response: See response under (A) above.

**153.197 Completion or Assurance of Improvements.**

- (A) **Agreement for improvements.** Prior to final plat approval for a subdivision, partitioning, PUD or other land development, or the final approval of a design review application, land use or development pursuant to applicable zoning provisions, the owner and/or developer shall either install required improvements and repair existing streets and other public facilities damaged in the development of the property, or shall execute and file with the city an agreement between him/herself and the city specifying the period in which improvements and repairs shall be completed and providing that, if the work is not completed within the period specified, that the city may complete the work and recover the full costs thereof, together with court costs and attorney costs necessary to collect the amounts from the developer. The agreement shall also provide for payment to the city for the cost of inspection and other engineer services directly attributed to the project.

Response: Applicant shall comply with this requirement as needed.

- (B) **Bond or other performance assurance.** The developer shall file with the agreement, to assure his/her full and faithful performance thereof, one of the following, pursuant to approval of the City Attorney and City Manager, and approval and acceptance by the City Council.
- (1) A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
  - (2) A personal bond co-signed by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of the ability to proceed in accordance with the agreement.
  - (3) Cash deposit.
  - (4) Such other security as may be approved and deemed necessary by the City Council to adequately assure completion of the required improvements.

Response: See response under (A) above.

- (C) **Amount of security required.** The assurance of full and faithful performance shall be for a sum approved by the city as sufficient to cover the cost of the improvements and repairs, including related engineering,

**inspection and other incidental expenses, plus an additional 20% for contingencies.**

Response: See response under (A) above.

- (D) **Default status. If a developer fails to carry out provisions of the agreement, and the city has unreimbursed costs or expenses resulting from the failure, the city shall call on the bond or other assurance for reimbursement of the costs or expenses. If the amount of the bond or other assurance deposit exceeds costs and expenses incurred by the city, it shall release the remainder. If the amount of the bond or other assurance is less than the costs or expenses incurred by the city, the developer shall be liable to the city for the difference plus any attorney fees and costs incurred.**

Response: See response under (A) above.

**153.198 Building and Occupancy Permits.**

- (A) **Building permits. No building permits shall be issued upon lots to receive and be served by sanitary sewer and water service, streets as improvements and other required site improvements required pursuant to this chapter unless the improvements are in place, serviceable and approved by the city, and the service connections fees therefore are paid, or all such cost and improvements are bonded for or otherwise assured as set forth by 153.197 and accepted by the City.**

Response: Applicant shall comply with this requirement as needed.

- (B) **Sale or occupancy. All improvements required pursuant to this chapter and other applicable regulations or approval conditions shall be completed, in service and approved by the city, or be bonded for or otherwise assured as set forth by 153.197 and accepted by the city prior to sale or occupancy of any lot, parcel or building unit erected upon a lot within the subdivision, partitioning, PUD or other development.**

Response: See response under (A) above.

**153.199 Maintenance Surety Bond.**

**Prior to sale and occupancy of any lot, parcel or building unit erected upon a lot within a subdivision, partitioning, PUD or other development, and as a condition of acceptance of improvements, the City Council may require a 1 year maintenance surety bond in an amount not to exceed 20% of the value of all improvements, to guarantee maintenance and performance for a period of not less than one year from the date of acceptance.**

**153.200 Engineering/Special Services for Review.**

**In regards to any development proposal for which the city deems it necessary to contract for engineering and/or other special technical services for the review thereof or for the design of facility expansions to serve the development, the developer may be required to pay all or part of the special services. In such cases, the choice of the contract service provider shall be at the discretion of the city, and the service provider shall perform the necessary services at the direction of the city. The costs for the services shall be determined reasonable, and an estimate of the costs shall be provided to the developer prior to contracting therefore.**

Response: Applicant shall comply with these requirements as needed.

**V. CONCLUSION**

Applicant LCSNW has demonstrated necessary compliance with all applicable provisions of the Prineville Land Use Code, and asks the City of Prineville, through its Planning Commission, to grant a Conditional Use Permit for the repurposing of the Pioneer Memorial Hospital building into a Behavioral Health Services and Counseling facility at the City's preeminent medical building location.

Submitted this \_\_\_\_ day of \_\_\_\_\_, 2017, by:

/s/

Elizabeth A. Dickson  
Of Attorneys for Lutheran Community Services Northwest  
EAD/mls  
Cc: Client  
Encls: Exhibits attached as listed on attached schedule



**BEFORE THE CITY OF PRINEVILLE  
COMMUNITY DEVELOPMENT DEPARTMENT**

**CONDITIONAL USE PERMIT APPLICATION CU-2017-101**

**SUPPLEMENTAL BURDEN OF PROOF STATEMENT**

**APPLICANT:** Lutheran Community Services Northwest  
Contact: Jake Fournier  
4040 S 188<sup>th</sup> Street, Suite 300  
SeaTac, WA 98188-5070  
253-330-0890  
[jfournier@lcsnw.org](mailto:jfournier@lcsnw.org)

**PROPERTY OWNER:** Pioneer Memorial Hospital – Prineville  
Contact: Brian Barney

**ATTORNEY:** Elizabeth Dickson  
Dickson Hatfield, LLC  
Attorneys for Applicant  
747 SW Mill View Way  
Bend, OR 97702  
541-585-2229  
[eadickson@dicksonhatfield.com](mailto:eadickson@dicksonhatfield.com)

**STAFF REVIEWER:** Phil Stenbeck, Planning Director  
City of Prineville Community Development Dept.  
387 NE Third Street  
Prineville, OR 97754

**REQUEST:** Conditional Use Permit to allow existing medical services Building (Pioneer Memorial Hospital) to be used for various medical uses in limited residential zone.

**SUBJECT PROPERTY:** Township 14 South, Range 16, East of the Willamette Meridian, Section 32, Tax Lots 100 and 101. Commonly known by the situs address 1201 NE Elm Street, Prineville, Oregon 97754, Pioneer Memorial Hospital.

Lutheran Community Services Northwest (LCSNW), a non-profit health services provider, submitted an application on January 5, 2017, to the City of Prineville Community Development Department for a conditional use permit to allow an existing medical services building (Pioneer Memorial Hospital) to be used for various medical uses in the Limited Residential Zone. LCSNW would like to amend the proposed uses listed in that application as follows.

The facility will provide these relevant services:

- Clinic-based integrated health services;
- Individual and group-based behavioral health clinical outpatient services for both adults and children (in separate functions);
- Contracted (St. Charles) outpatient physician and nursing services;
- Individual and group-based substance abuse services for outpatients; and
- Health services administration.

LCSNW does not intend to provide “residential-based health services” as a part of their proposed use. Such services may be expressly excluded from the list of proposed services provided as part of the proposed conditional use.

Submitted this 11<sup>th</sup> day of January, 2017, by:

/s/

Elizabeth A. Dickson  
Of Attorneys for Lutheran Community Services Northwest  
EAD/mls  
Cc: Client