



City of Prineville
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT
PLANNING COMMISSION STAFF REPORT

Hearing Date: April 18, 2017

File No.: Cu-2017-103

Applicant/Owner: Crook County.

Neighbor Notice: March 28, 2017

Newspaper Notice: Planning Commission Notice – April 4, 2017.

Public Hearing: Planning Commission – April 18, 2017.

Staff: Phil Stenbeck, Planning Director

Applicable Criteria: City of Prineville Comprehensive Plan and Land Use Code including Sections 153.052, 153.014, 153.015, 153.016, 153.020, 153.021, 153.037, 153.038, 153.082, 153.083(L), 153.085, 153.086, 153.087, 153.090, 153.097, 153.135, 153.136, 153.137, 153.138, and 153.139.

FINDINGS OF FACT:

1. **LOCATION:** The proposed location includes property legally described as T15S, R16E, S05BB, Tax Lots 8200, 8300, 8400, 8500, 8800, 9200 and a vacated portion of Dunham Road and a portion of an adjacent alley.
2. **PROPOSAL:** Crook County is requesting approval of a conditional use permit to allow a 31,200 square foot County Jail Facility containing inmate housing (76 beds), administrative offices, booking, medical, laundry services and kitchen facilities.
3. **ZONING:** The subject site is zoned Professional Commercial (C-3) and is designated Core Commercial on the Comprehensive Plan Map.
4. **LOT OF RECORD:** The property has been determined to be multiple legal lots of record via a subdivision and vacation of an adjacent road and a portion of an adjacent alley.
5. **SITE DESCRIPTION:** The site has been utilized as a parking area for City and County vehicles, a road and as a men's shelter. For additional details, please see page 2 and 3.
6. **BACKGROUND:** In November 2016, the citizens of Crook County and the City of Prineville voted in favor of a bond for building a new County Jail. Prior to the bond Measure, the City and County formed a Jail Citizen Committee which reviewed possible new jail locations, ultimately selecting this location.
7. **WRITTEN COMMENTS:** No written comments were received from neighbors.
8. **FINDINGS SUMMARY:** The applicant is proposing to build a 76 bed county jail using a bond approved by voters. The jail site is proposed at a location selected by the Citizen Jail Committee which is conveniently located adjacent to the Sheriff's Office and across the street

from the County Courthouse and Police Department and on County owned land. The application proposes retaining the historical use of the location for parking of government vehicles, by shifting the parking areas around and reassigning some vehicles to other locations, thereby creating adequate space for the new jail building. The building meets the setback requirements except in one smaller area by the entrance to the Sally Port, where the required 10 foot setback is being requested to be 8 feet. The west end of the proposed jail is planned to connect to the Sheriff's Office. The proposed use is a Type II conditional use in the Professional Commercial (C-3) zone. The project is not expected to exceed resource carrying capacities. There will be impacts to the City's sewer, water and transportation facilities, so System Development Charges (SDC's) will be calculated and addressed via agreement between the City and the County. Since this a development in the Professional Commercial zone with no dwelling impact, no Parks SDC will be required. The applicant shall connect the proposed jail structure to City sewer and water. Any infrastructure improvements necessary to connect to sewer and water shall be constructed to City standards, and the structure shall include installation of a fire suppression sprinkler systems and other infrastructure needed for fire protection. All access and parking areas shall be paved and appropriately marked. The applicant shall landscape the areas identified in the site plan. All storm water shall drain to drainage swales maintained onsite. Any modification of the submitted site plans shall be reviewed by the City for consistency and intent of the original plan.

Figure 1. Proposed Jail Site Vicinity Map.

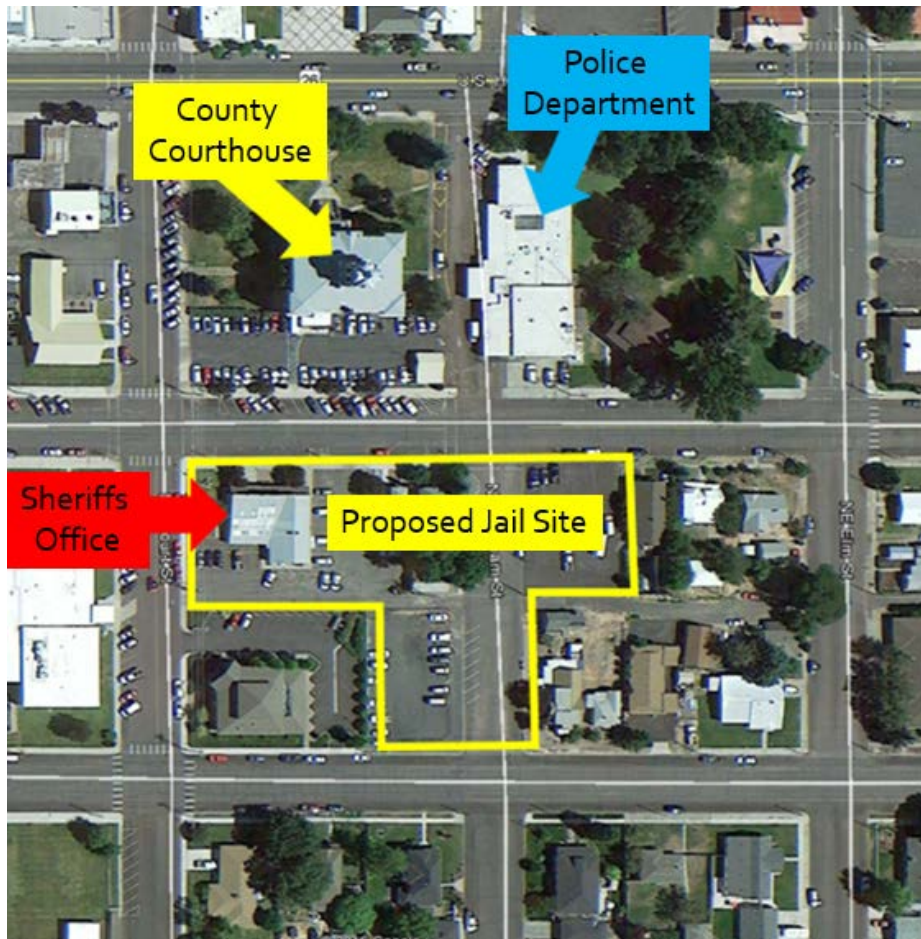
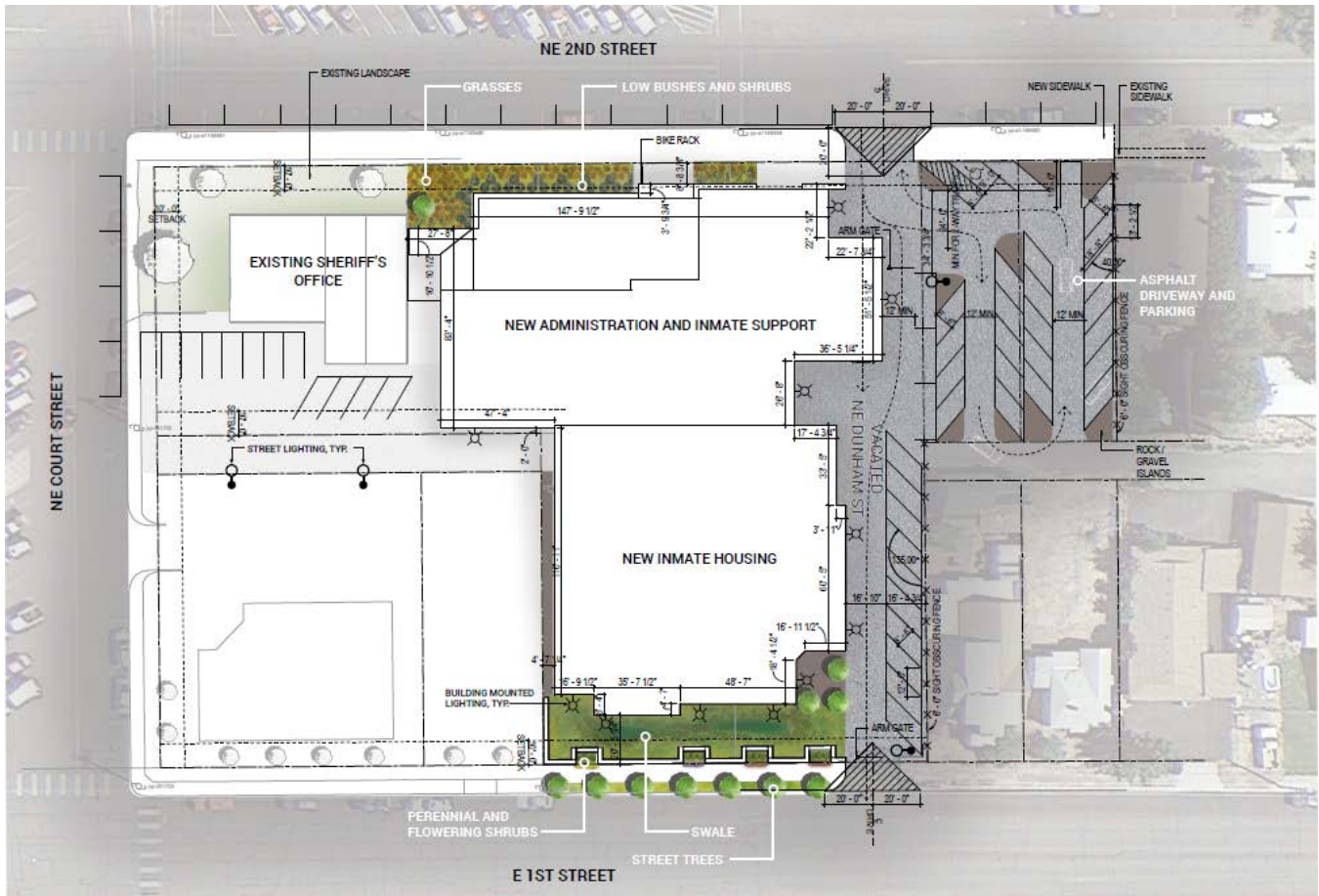


Figure 2. Proposed Jail Site Plan.



STAFF REPORT FINDINGS

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.*

FINDING #1: Staff finds the proposed Public Safety Facility (jail and existing Sherriff's Office) is compatible with the City Comprehensive Plan and policies.

(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.*

FINDING #2: Staff finds the zoning classification of the proposed location for the facility is C-3 and all requirements for the zone are found to be met in the Burdon of Proof.

(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.*

FINDING #3: Staff finds the applicant shall be required to comply with City Standards, Building Code, the Fire Code and also need approval from the Department of Justice. Staff finds the County shall review the project with the State Department of Health and also shall complete a lot consolidation application with the City to minimize Building Code requirements.

(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.*

FINDING #4: Staff finds compliance shall be met through the site plan and development process.

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

FINDING #5: Staff finds that based on the review by the City Engineer, that the site does not exceed resources or public facility carrying capacities.

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

FINDING #6: Staff finds the request is in compliance with the required standards listed above.

(G) *As applicable, a city business license shall be required, and if a requirement, the continual maintenance of the license shall be a continuing condition of approval and failure to maintain the compliance shall constitute grounds for permit revocation.*

FINDING #7: Staff finds no city business license is required.

(H) *Boats, trailers, travel trailers, pick-up campers, recreational vehicles, motor homes and similar recreational vehicles and equipment may be stored on a lot, but shall not be used for permanent occupancy other than that permitted in 153.095 (D)(E)(F).*

FINDING #8: Staff finds no such items shall be used for permanent occupancy on the site.

153.015 AUTHORIZATION OF SIMILAR USES.

(A) *The city may authorize a use that is not specifically listed in a specific zone if the use is of the same general type as other uses permitted in the subject zone, unless the city finds the following.*

(1) *The proposed use is specifically permitted in another zone; or*

- (2) *The proposed use is more similar to uses provided for in another zone; and*
- (3) *That the permitting of the proposed use in the zone requested would be detrimental to the intent and purpose of the zone and this chapter in general. The City shall consider the following factors.*
 - (a) *Size, scale, configuration, bulk, and other characteristics of the requested use.*
 - (b) *Physical and operational similarity of the use to uses now allowed in the zone.*
 - (c) *Potential on-site and off-site impacts of allowing the use (traffic, noise, odors, etc.) as compared to uses now allowed in the zone.*

FINDING #9: Staff finds the request is similar and compatible with other uses in the immediate area and C-3 zone. Staff finds the proposed use will not be detrimental to the intent and purpose of the zone or chapter in general. The Sherriff's Office is currently located on the site.

- (B) *The application for and processing procedure for a similar use approval shall be as required by the use it is similar too.*

FINDING #10: Staff finds a Type 2 Conditional Use Permit process is required for which the applicant prepared a Burdon of Proof.

153.016 MUNICIPAL SEWER AND WATER REQUIRED

- (A) *Commercial and Industrial development within the City limits requiring water and sewer service shall connect to the municipal water and sewer systems.*
- (B) *Existing structures within the City limits shall connect to the municipal water and sewer services when made necessary by well and/or septic failure that is not recoverable and within the distance described by the State or the City's sewer and water ordinances. A Land division shall also require connection when the size of a lot is reduced to a point where well and septic are not feasible or allowed by law.*
- (C) *Existing residences or single family home construction on existing lots may use existing wells and septic fields or construct new ones if services are not within the distance described by State or the City's sewer and water ordinances.*
- (D) *Approval of subdivisions and land partitions shall require municipal sewer and water service to each lot in accordance with the City's Standards and Specifications unless specifically allowed by another section in this chapter.*

FINDING #11: Staff finds the proposed facility shall be connected to City water and sewer services.

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.*

FINDING #12: Staff finds the Crook County Public Safety Facility has been through a Design Review process and will be going through a development review process which will verify compliance with the above.

(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.*

FINDING #13: Staff finds the applicant shall be required to follow the City development process for building the proposed jail.

- (C) *Exemptions. The following are exempt from the site and building design review process.*
- (1) *Single family and two family/ duplex dwellings and their accessory structures.*
 - (2) *Outright uses existing on or before the effective date of this chapter.*
 - (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.*
 - (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).*

FINDING #14: Staff finds the Sherriff's Office is existing and that the proposed jail shall be new, and require a Conditional Use Permit.

- (D) *Improvements Required. Uses requiring a design review application shall be subject to public improvements and or site improvements. Improvement requirements and standards are found in section 153.194 and the City's Standards and Specifications. Public improvements and site improvements include but are not limited to the following:*
- (1) *Streets. Right of Way dedication, street extensions, sidewalks, access management. Double frontage lots may require improvements on both frontages.*
 - (2) *Utilities. Connection to municipal water and sewer and other utilities as necessary.*
 - (3) *Landscaping. Per standards set forth in section 153.087.*
 - (4) *Paved parking including access and maneuvering areas as set forth in section 153.085 and 153.086.*
 - (5) *Storm Water Drainage. Per the City's Standards and Specifications.*

FINDING #15: Staff finds Design Review is required and this project is subject to the above requirements.

- (E) *Design review authority. The authority for design review is set forth as follows.*
- (1) *For those uses subject to design review and classified as outright or type I conditional uses, the City Planning Official and/or the City Manager, and the City Superintendents of Streets and*

Public Works, the City Fire Chief and the City Police Chief shall be responsible for the design review thereof. As deemed necessary, the county's Environmental Health Officer, as well as other agency and/or organizational representatives, may be requested to participate in the design review of specific use and/or development proposals. Any outright or type I conditional use may be referred to the City Planning Commission based on neighbor concerns, in accordance with section 153.138 Conditional Use Permit Processing, or potential significant impact on the community as determined by the Planning Director.

- (2) The City Planning Commission shall be responsible for the design review of all uses classified as type II conditional uses as well as any outright use or type I conditional use that is referred to the City Planning Commission by the Planning Director.*

FINDING #16: Staff finds the applicant acknowledges the land use process found in the City land use code.

- (F) Design review procedure. The following procedure shall be used in reviewing site and building design plans.*
- (1) Pre-application conference. Prior to applying for design review plan approval, applicants are encouraged to meet with the city Planning Official, City Engineer, and Superintendents of Streets and Public Works, or designees thereof, and present a preliminary plan which shall contain, in an approximate manner, the information required on a design review plan application.*
- (a) The purpose of the preliminary site plan review is to enable the applicant to obtain advice from the city as to the intent, standards, criteria and provisions of this section, this chapter, other city ordinances, standards and regulations, and state and federal rules and regulations which may be pertinent to the proposal.*
- (b) Information presented for preliminary discussion shall be considered confidential if so requested by the applicant.*
- (2) Consolidation of land use actions. Where a proposed use or development requires a variance, conditional use, partitioning, subdivision or other action which requires site plan or Planning Commission approval, the design review and applicable land use action by the respective reviewing authority may be combined into a single process.*
- (3) Application. A property owner or authorized representative thereof may initiate a request for design review plan approval by filing an application with the city using forms prescribed by the city together with the required filing fee. In addition to the application form, the applicant shall submit the following information.*
- (a) Requirements for information submitted. Information provided on the design review plan shall conform to the following.*
- 1. Drawings depicting the proposal shall be presented on sheets not larger than 24 inches by 36 inches in the number of copies directed by the city, but in no case less than 5.*
 - 2. To facilitate public reviews and notice, at least 1 copy of the proposal shall be provided on a sheet of paper not larger than 11 inches by 17 inches.*

3. *Drawings shall be at a scale sufficiently large enough to enable all features of the design to be clearly discerned.*
4. *The city may require that a digital copy of the drawing, development plan or other information be provided to the city in a format adaptable to the city's computer systems.*
- (b) *Site analysis diagram. If required by the reviewing authority, this element of the design review plan, which may be in schematic or free hand form to scale, shall indicate the following site characteristics.*
 1. *Location and species of existing trees greater than 6 inches in diameter when measured 4 feet above the natural grade, and an indication of which trees are proposed to be removed.*
 2. *On sites that contain steep slopes, potential geological hazard or unique natural features that may affect the proposed development, the city may require contours mapped at 5-foot intervals.*
 3. *Natural drainage ways, depths of any ground water tables less than 12 feet, any areas of surface water accumulations and any other significant natural features.*
 4. *All buildings, roads, retaining walls, curb cuts and
Other manmade features, both existing and proposed.*
 5. *Natural features, including trees, riparian habitat and stream channels and structures on-site or on adjoining properties that have or may have a visual impact or other significant relationship with the site and the proposed development thereon.*
- (c) *Site photographs. Photographs depicting the site and its relationship to adjoining sites and the general area may be required if deemed necessary by the reviewing authority.*
- (d) *Site development plan. This element of the design review plan shall indicate the following.*
 1. *Legal description of the property.*
 2. *Boundary dimensions and site area.*
 3. *Location of all existing and proposed structures, including distances from the property lines.*
 4. *Area and percent of the site to be covered by structures, existing and proposed.*
 5. *All external dimensions of existing and proposed buildings and structures.*
 6. *Location of building entrances and exits.*
 7. *Parking and circulation areas, including their dimensions.*
 8. *Service areas, for such uses as the loading and delivery of goods.*
 9. *Locations, descriptions and dimensions of any easements.*
 10. *Grading and plans, including spot elevations and contours at 5-foot intervals.*
 11. *Location of areas to be landscaped, including existing trees and natural landscaping to be retained.*
 12. *Outdoor recreation and/or play areas.*
 13. *Pedestrian and bicycle circulation and amenities.*

14. *Location of mechanical equipment not enclosed within a building, garbage disposal areas, utility appurtenances and similar structures.*
 15. *Exterior lighting.*
 16. *Location, size and method of illumination of signs.*
 17. *Provisions for ADA compliance.*
 18. *Other site elements which will assist in the evaluation of site development.*
 19. *Location, names, surface and right-of-way widths and improvement standards of all existing and proposed streets within or adjacent to the proposed development.*
- (e) *Accompanying written summary. In addition to the foregoing site development plan requirements, a written summary of the proposal shall be required showing the following, (unless such is shown on the site development plan).*
1. *Commercial and nonresidential development:*
 - a. *The square footage contained in the site area to be developed.*
 - b. *The percentage of the area to be covered by structures when developed.*
 - c. *The percentage of the area to be covered by parking areas and the total number of parking spaces.*
 - d. *The total square footage of all landscaped areas, including the percentage consisting of natural materials and the percentage of hard surfaced areas such as courtyards.*
- (f) *Landscape plan. A landscape plan shall be submitted and shall indicate the following:*
- 1 *The size, species and locations of plant materials to be retained or placed on site.*
 - 2 *The layout of irrigation facilities.*
 - 3 *Location and design details of walkways, plazas, courtyards and similar areas.*
 - 4 *Location, type and intensity of outdoor lighting.*
 - 5 *Location and design details of proposed fencing, retaining walls and trash collection areas.*
- (g) *Architectural drawings. This element of the design review plan, if required by the reviewing authority, shall indicate the following:*
1. *A plan specifying the building footprint and dimensions, including all points of access. Floor plans of interior spaces to the extent required to clarify access functions and the relationship of the spaces to decks, porches, balconies and stairs or other features shown on the building elevations. The floor plans shall be provided for all building floors and shall include appropriate dimensions.*
 2. *Exterior elevations showing building heights, windows, doors, exterior light fixtures, stairways, balconies, decks and other architectural details. These elevations shall be provided for every exterior wall surface, including those which are completely or partially concealed from view by overlapping portions of the structure. Existing and finished grades at the center of all walls shall be shown with elevations of floors indicated and a dimension showing compliance with height limitations.*

3. *For any building proposed in any of the airport zones (AA, AO, AD, AC, AM and AR), exterior elevations shall include a description of the color and texture of finish materials and shall specifically identify any proposed reflective materials. Samples of the materials and color ranges of siding, roofing and trim may be required if deemed necessary by the Planning Director in order to review any potential safety hazards related to the airport operations. Any use within any airport zone shall be subject to review and approval of the Federal Aviation Administration (FAA).*
4. *Location and type of exterior light fixtures, including the lamp types and the levels of illumination that they provide.*
5. *Location, size and method of illumination of all exterior signs.*
- (h) *Property survey. A survey of the property by a licensed land surveyor shall be required and shall clearly delineate property boundaries and show the location of the corners of proposed buildings and other significant features proposed for the site. The requirement for a survey of the exterior boundaries of a site may be waived where it is found that there is a recent survey that can be used to clearly establish the applicant's property boundaries.*
- (4) *Complete application. Upon receipt of an application for design review, the city shall review the application to ensure that it is complete. If the application is found to be incomplete, the applicant shall be provided with a description of the items required to complete it. The city shall not begin processing the application until found to be complete.*
- (5) *Investigation and reports. As applicable, the City Planning Official, or a designee thereof, shall prepare a report to the applicable review authority on the conformance of the application with the pertinent zoning requirements. The report shall be available to the applicant at no cost and to the public, at a reasonable cost, 7 days prior to the date set for the public hearing or review authority review.*

FINDING #17: Staff finds a Pre-Application meeting took place on Thursday, March 16, 2017 and March 23, 2017. At those times material to be submitted for Design Review were discussed. It was decided the following will be submitted:

- 10 copies of drawings size 11" x 17";
- APPLICATION FORM Signed by Judge Crawford, Crook County as Applicant and Property Owner;
- BURDEN OF PROOF - Approval Criteria and Applicants;
- SITE PLAN - Setbacks, building dimensions, parking spaces on site to zoning standards dimensions, and adjacent parking on streets.
- Bicycle parking.
- Site lighting locations.
- Landscaping.
- ELEVATIONS
- Bldg. height with/without rooftop mechanical units.
- Materials and colors.

- (G) *Design review criteria. To ensure that the stated purposes of the design review process are met the reviewing authority shall be governed by the following criteria as it evaluates and renders a decision on a proposal.*
- (1) *Statement of intent.*
- (a) *The design review criteria are intended to provide a frame of reference for the applicant in the development of a site, building and landscape plans, as well as providing the city with a means of reviewing proposed plans.*
- (b) *These criteria are not intended to be inflexible requirements, nor are they intended to discourage creativity. The specification of one or more architectural styles is not intended by these criteria.*
- (c) *The reviewing authority is not authorized as a part of the design review process to approve projects which exceed specific development standards set forth by the applicable zone unless the exceptions are approved in accordance with specific variance or other provisions set forth in this chapter.*
- (2) *Site design evaluation criteria. A development shall make the most effective use possible of the site topography, existing landscaping and building placement so as to preserve existing trees and natural features, preserve vistas and other views from public ways, minimize visibility of parking, loading and storage areas from public ways and neighboring residential uses and to minimize intrusion into the character of existing developments and land uses in the immediate area. The following are additional criteria that shall be used in evaluating site development plans.*
- (a) *The arrangement of all functions, uses and improvements has been designed so as to reflect and harmonize with the natural characteristics and limitations of the site and adjacent sites.*
- (b) *In terms of setback from streets or sidewalks, the design creates a visually interesting and compatible relationship between the proposed structures and/or adjacent structures.*
- (c) *The design incorporates existing features, such as streams, rocks, slopes, vegetation and the like, (for example, making use of a small stream rather than placing it in a culvert).*
- (d) *Where appropriate, the design relates or integrates the proposed landscaping/open space to the adjoining landscape/open space in order to create a pedestrian/bike pathway and/or open system that connects several properties or uses.*
- (e) *The arrangement of the improvements on the site does not unreasonably degrade the scenic values of the community and the surrounding area in particular.*
- (f) *Where appropriate, the design includes a parking and circulation system that encourages pedestrian and bicycle traffic.*
- (g) *The design shall screen all storage, mechanical equipment, utilities and/or waste collection facilities from view, both from within and from outside the site.*
- (h) *Any proposed building with a footprint over 40,000 square feet located in a commercial zone or a building with over 40,000 square feet of retail area in an industrial zone shall comply with the special requirements as specified in 153.021.*

- (3) *Landscape design evaluation criteria. The following criteria shall be used in evaluating landscape plans.*
 - (a) *The overall design substantially complements the natural environment of the city and the character of the site and the surrounding area.*
 - (b) *The design acknowledges the growing conditions for this climatic zone, and the unique requirements that its specific site location makes upon plant selection.*
 - (c) *Provision has been made for the survival and continuous maintenance of the landscape and its vegetation.*
 - (d) *The design contributes to the stabilization of slopes and the protection of other natural features and resources where applicable.*
 - (e) *The design delineates and separates use areas, where it is desirable to do so.*

FINDING #18: Staff finds the applicant has been to the Design Review Committee and has submitted an application which appears to be generally consistent with the above requirements.

- (H) *Revision of plans. Construction documents (plans, drawings and specifications, etc.) shall conform to all aspects of the approved design review plan. Where circumstances, unknown or unforeseen at the time the plans are approved, make it undesirable or unfeasible to comply with some particular aspect of the approved plan, the applicant shall request in writing that the city review proposed modifications. The reviewing authority that originally approved the plans shall review the proposed modifications to determine whether they constitute a major or minor revision of the approved plans.*
 - (1) *Major modifications.*
 - (a) *Major modifications are those which result in a significant change in the initial plans. The following are examples of major modifications: changes in the siting of a building; modification of areas to be landscaped; and modifications to a plan element that was the subject of a design reviewing authority condition of approval.*
 - (b) *If the reviewing authority determines that the proposed change is a major modification, the proposed alteration shall be reviewed and processed in the same manner as the original application and as a new application.*
 - (c) *The fee shall be in accordance with the City's fee schedule.*
 - (2) *Minor modifications.*
 - (a) *Minor modifications are those which result in an insignificant change in the initial plans. Examples are: limited dimensional or locational changes to building elements such as windows or doors; changes in building materials where only a limited area is affected; and substitution of landscape materials which does not affect the overall landscape design.*
 - (b) *If the city determines that the proposed change is a minor modification, the reviewing authority may proceed with the review of the plans; however, if the reviewing authority is different than the original reviewing authority, the original reviewing authority shall be*

notified of the proposed change and given an opportunity to comment relative thereto prior to final approval of such change.

(c) The fee shall be in accordance with minor modifications on the City's fee schedule.

FINDING #19: Staff finds the applicant acknowledges the revision process requirements above.

(1) Development in accordance with permit approval. Development, including any site grading or landscape removal activities, shall not commence until:

(1) The applicant has received all of the appropriate land use and development approvals (i.e. site development review approval), grading permits and building permits.

(2) The applicant has entered into an improvement agreement with the City (e.g. for phased developments and developments with required off-site public improvements), and required bonding or other assurances of site improvements have been submitted to the City.

FINDING #20: Staff finds all approvals and permits shall be in place prior to start of any work.

(j) Phased Development. Phasing of development plans may be requested at the time of application for Site and Building Design Review, subject to the following standards and procedures:

(1) Any phased development shall be reviewed by the Planning Commission.

(2) A proposed phasing plan shall be submitted with the Site and Building Design Review application. The Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time for all phases be greater than five years without obtaining additional Planning Commission approval. In no case may the total time for all phases be greater than ten years without submitting a new application. The first phase of the project shall begin no later than 12 months from the date of City approval for Site and Building Design Review.

(3) Approval of a phased site development proposal requires satisfaction of the following criteria:

(a) The public facilities required to serve each phase are constructed in conjunction with or before each phase, or bonded at the discretion of the City engineer.

(b) The phased development shall not result in requiring the City or other property owners to construct public facilities that are necessary to support the development proposal.

(c) An application for phasing may be approved after Site and Building Design Review approval as a modification to the approved plan, in accordance with section 153.259.030.

(d) Requests for phasing periods longer than five years shall include supportable analysis showing why such an extension is warranted.

FINDING #21: Staff finds that this is not a phased development as defined above.

(K) *Bonding, Assurances and Occupancy. The City may require a bond or other assurance of required improvements pursuant to section 153.197. These improvements shall include all required public and private site improvements including required off-site improvements. An occupancy permit shall not be issued unless improvements are completed pursuant to section 153.198 of this chapter. Exceptions to occupancy may only be granted for circumstances necessitating delay of paving or landscape installation. If such an exception is granted a bond or other assurance of improvement pursuant to 153.197 shall apply.*

FINDING #22: Staff finds the requirement above is applicable but is not required at this time.

153.021 SPECIAL DESIGN REQUIREMENTS FOR BUILDINGS WITH A FOOTPRINT OVER 40,000 SQUARE FEET IN COMMERCIAL ZONES

FINDING #23: Staff finds the Crook County Public Safety Facility consists of the existing 3,900 square foot (SF) Sherriff's Office, and the 31,200 SF new Jail for a total of 35,100 square feet. Therefore this section does not apply.

153.037 COMMERCIAL & INDUSTRIAL USE TABLE

<i>Use Classifications</i>	<i>C1</i>	<i>C2</i>	<i>C3</i>	<i>C4</i>	<i>C5</i>	<i>M1</i>	<i>M2</i>	<i>IP</i>
<i>Expansion of existing public use</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>

FINDING #24: Staff finds the existing Sherriff's office is allowed to remain and be expanded outright. It will be expanded to include a jail facility and create the Crook County Public Safety Facility. The expansion will occur on tax lots to the east that shall be consolidated with the Sherriff Office property.

Public & Semi Public Uses

Government structures such as fire or other emergency service station, armories, maintenance or storage facilities and other uses not specifically listed in another section.

<i>T2</i>	<i>T2</i>	<i>T2</i>	<i>T2</i>	<i>T2</i>	<i>T2</i>	<i>T2</i>	<i>T2</i>	<i>T2</i>
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FINDING #25: Staff finds the proposed jail use may be allowed in the C-3 zone if approved by the Planning Commission via the T2 Conditional Use Permit process.

153.038 COMMERCIAL & INDUSTRIAL DIMENSIONAL STANDARDS

Please see actual proposed setbacks below. Two will be below the minimum standard and will require approval in this Conditional Use Permit application.

Setbacks:

<i>Front Yard (collector);</i>	<i>Min. 10'</i>	<i>Actual 8'-10" and 12'-8" (NE 2nd Street by Sally Port)</i>
<i>Rear Yard (alley)</i>	<i>Min. 10'</i>	<i>Actual at new building 2'-0"</i>

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

FINDING #29: Staff finds parking shall be provided as set forth and in amounts and locations as determined by the City Land Use Code, Comprehensive Plan and supporting documents.

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

FINDING #30: Staff finds landscape requirements have been met.

(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, storm water management, sidewalks, waterlines, sewer lines, access management and the like.*

FINDING #31: Staff finds the streets and public facilities shall meet the City's requirements.

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

FINDING #32: Staff finds this Overlay does not apply.

(H) *Minimum sidewalk requirements. Whether replacing or required by design review; sidewalks shall be constructed to City Standards and Specifications. The minimum sidewalk width in a C-3 Zone is 8ft.*

FINDING #33: Staff finds sidewalks at this Facility are existing, comply and will be repaired if damaged during construction. A new sidewalk will be constructed on 2nd Street on the north side of the "City Lot" to match the existing sidewalk in front of the existing Sherriff's Office.

(I) *Outdoor merchandising. Permitted only as set forth in this section and in 153.093.*

FINDING #34: Staff finds there will be no outdoor merchandising at the Public Safety Facility.

(J) *Signs. In a C-3 Zone, signs are permitted in accordance with the provisions set forth in Chapter 152 as amended.*

FINDING #35: Staff finds there will be a sign consisting of letters mounted on the building located adjacent to the main entry on 2nd Street. It shall comply with Chapter 152 as amended.

(K) *Use limitations. In a C-3 Zone, the following use limitations shall apply to all uses permitted under this section.*

- (1) *Nonresidential uses permitted by this section shall be screened from abutting residential uses by densely planted trees and shrubs or a sight-obscuring fence unless otherwise approved by the city.*
- (2) *Nuisance. No structure or land shall be occupied or used for any purpose which creates or causes to be created any public nuisance, including but not limited to excessive odor, dust, noise, vibration, flashing light or any hazard to the general health, safety and welfare of the area.*

FINDING #36: Staff finds the Public Safety Facility is a non-residential public use. A modulating architecturally designed site obscuring fence, landscaping and trees shall be placed on the south property line facing the residences across 1st Street. Staff finds no public nuisance or danger shall be created by this modern secure facility which will be safer than the existing outdated jail found in the Police Department by Pioneer Park.

(L) *Additional standards and requirements. In approving a multi-family residential or nonresidential use in a C-3 Zone, the city may require additional standards and requirements considered necessary to protect the best interests of the surrounding and adjacent area. Such may include, but is not limited to the following.*

- (1) *Additional lot size or setback requirements.*
- (2) *Limitations on the placement of structures and the heights thereof.*
- (3) *Limitations on vehicular parking areas and ingress and egress.*
- (4) *Limitations on the placement and type of signs.*
- (5) *Require additional landscaping and screening.*

FINDING #37: Staff finds the Public Safety facility is designed to fit well into its surroundings and be an attractive neighbor.

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.*

FINDING #38: Staff finds all on-site lighting shall comply with this requirement.

153.083 STANDARDS FOR SPECIFIC USES.

- (L) *Public or private facilities, utilities and services.*
- (1) *Public facilities including, but not limited to, utility substations, sewage treatment plants, storm water and water lines, water storage tanks, radio and television transmitters, cell towers, electrical generation and transmission devices, fire stations and other public facilities*

shall be located so as to best serve the community or area with a minimum impact on neighborhoods, and with consideration for natural aesthetic values.

- (2) Structures shall be designed to be as unobtrusive as possible.*
- (3) Wherever feasible, all utility components shall be placed underground.*
- (4) Public facilities and services proposed within a wetland or riparian area shall provide findings of the following.*
 - (a) The location is required and a public need exists.*
 - (b) Dredging, fill and other adverse impacts are avoided, minimized or mitigated to the maximum extent reasonable.*
- (5) Co-locating on existing utility poles or cellular towers is required unless demonstrated that it is not feasible.*

FINDING #39: Staff finds this County jail shall be attached to the existing County Sherriff's Office in a downtown location to best serve the community without directly impacting or displacing the neighborhood.

The facility is architecturally designed to be as pleasing as possible while maintaining the level of security and safety required for its use.

Utilities shall be placed underground, and no wetland or riparian areas exist on the site.

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.*

FINDING #40: Staff finds parking and loading area shall be provided in amount and in location approved by the City.

- (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*

FINDING #41: Staff finds parking and loading areas shall be provided in amount and in location approved by the City.

- (C) *Exemptions. The following are exemptions in all zones.*
- (1) *Outright uses existing on or before the effective date of this chapter on a lot or parcel of land that has no remaining room for off-street parking and loading facilities;*
 - (2) *Exterior remodeling and/or expansion of a use up to and not exceeding 25% of the total square footage of all structures on a specific lot or parcel under unit ownership, however, any existing parking displaced by the remodeling and/or expansion shall be replaced.*
 - (3) *Changes of uses that are permitted outright in a zone and occupy an existing building or site that is either similar to the previous use or of equal or lesser impact to the site with regard to traffic impacts as determined by the reviewing authority and City Engineer. A change of use application may be required to make this determination.*

FINDING #42: Staff finds this section does not apply.

- (D) *Specific Parking Requirements by Zone.*
- (4) *C-2, C-3, C-4 and C-5 Zones. All parking demand created by any use permitted in this zone shall be accommodated entirely on-site or off-street on another area or adjoining site within a reasonable walking distance of not more than 1,200 feet that is available for the subject use in compliance with the standards set forth herein. The location of any off-site parking area that requires pedestrians to cross an arterial or collector street or highway to obtain access to the subject use is prohibited.*
 - (a) *No use permitted in this zone shall require the backing of traffic onto a public street right-of-way to accommodate ingress or egress to any use or the premises thereof unless approved otherwise by the City.*
 - (b) *Bicycle parking shall be provided at a rate of 1 space per 12 vehicle parking spaces.*
 - (5) *M-1, M-2 and IP Zones. All parking demand created by any use permitted in this zone shall be accommodated entirely on-site or off-street on another area or adjoining site shared by one or more uses permitted in this zone. The location of any off-site parking area that requires pedestrians to cross an arterial or collector street or highway to obtain access to the subject use is prohibited.*

FINDING #43: Staff finds automobile parking, loading area and bicycle parking shall be provided in amount and in location approved by the City. The City is requesting 4 bicycle parking spots to be located on the sidewalk near the main entry. The bike parking rack is requested to be a wagon wheel or hitching post type.

- (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.

FINDING #44: Staff finds the applicant has discussed parking issues associated with this facility.

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.

FINDING #45: Staff finds the applicant has provided adequate parking for the request based on location, size and type of proposed use.

(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.

FINDING #46: Staff finds the City parking lot is being transferred to County ownership. As a part of the transfer of ownership, the County shall be required to sign an agreement which provides 10 parking spaces in the parking lot reserved for the City Police Departments use in perpetuity.

(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.

FINDING #47: Staff finds this section does not apply.

(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.

FINDING #48: Staff finds parking will not be provided for the jail inmates but will be provided for customers, patrons and employees and 10 spaces for the City Police Department.

(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)*

FINDING #49: Staff finds all parking and vehicle circulation areas shall be surfaced with concrete or asphalt as a condition of approval.

- (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 required shall be shielded or deflected so as not to shine directly into adjoining properties, dwellings or businesses and so as not to create a hazard to the public use of a street.*

FINDING #50: Staff finds the above parking area requirements shall be met through conditions of approval.

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

FINDING #51: Staff finds the site is currently mostly impervious with the exception of the gravel "County Lot". Discussions between the project Civil Engineer and City Staff have concluded that drainage could go to the landscaped areas. The applicant has agreed to create shallow swales in the landscape areas with over flow to street.

- (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.*

FINDING #52: Staff finds there is one residence abutting the east secure parking area and another on the east side of the "City Lot". At the request of the Police Chief, a 6'-0" high sight obscuring fence shall also be placed along the north side of the alley adjacent to the Parking lot. Staff finds the proposed circulation plan for the "City Lot" shall not use the alley to the south for circulation, thereby requiring an onsite road circulation system.

- (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).*

FINDING #53: Staff finds the parking areas dimensions shall meet the table's requirements.

- (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.*
- (1) *An extension of time may be granted by the city or other jurisdictional authority providing a performance bond, or its equivalent, as approved by the city and the other jurisdictional authority, is posted equaling the cost to complete the improvements as established by actual contractor's bid or by a licensed engineer approved and/or selected by the city.*
- (2) *The extension of time may not exceed 1 year and, in the event the improvements are not completed within the 1 year time period, and an additional time period is not granted by the city, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the city.*
- (3) *In no case shall the total time period of all extensions granted exceed a period of more than 3 years. In the case that costs to complete the construction are in excess of the bond or its equivalent, including the costs incurred by the city for engineering, bid preparation and advertisement, and construction inspection, the applicant and/or property owner shall be liable for the extra costs.*

FINDING #54: Staff finds the parking areas will be ready for use at the time the facility is occupied. No extensions for completion will be required.

- (K) *Loading and Unloading.*
- (1) *Passengers. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.*
- (2) *Merchandise, materials or supplies. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck or other motor vehicle shall*

provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.

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

FINDING #55: Staff finds that a designated loading area shall be provided for delivery of food, supplies and removal of items. The loading area shall have access via the alley between AmeriTitle and the Sheriff's Office. A vehicle sally port shall be provided for the secure pick-up and drop off of inmates which is large enough for two full size ambulances. Warrant turn in and prisoner release shall occur via the walk in sally port near the vehicle sally port on 2nd Street.

(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.*

FINDING #56: Staff finds access aisles and service drives shall meet the above requirements.

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.*

FINDING #57: Staff finds the above landscape requirements shall be met through conditions of approval.

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

FINDING #58: Staff finds the existing vegetation to the north and west of the Sherriff's Office will remain. All other landscaping will be new.

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

- (1) Multifamily dwellings & complexes: 20%.*
- (2) Downtown Enhancement Plan C-1 Zone.*
- (3) Parking lots. Parking areas shall be required to be landscaped in accordance with the following minimum requirements:*

- (a) *In commercial and residential developments, parking areas shall be divided into bays of 12 spaces and between or at the end of each parking bay a curbed planter containing at least 16 square feet shall be 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. 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.*
 - (2) *Industrial uses abutting residential or commercial zones, public recreation area or use, institutional use, scenic resource, noise sensitive use or public right-of-way.*
 - (3) *Multifamily complexes containing 4 or more units abutting a residentially zoned parcel that is limited to single family residential use, public recreation area, scenic resource, institutional use or public right-of-way.*
 - (4) *Manufactured or mobile dwelling subdivision or park abutting a residentially zoned parcel that is limited to single family residential use, public recreation area, scenic resource, institutional use or public right-of-way.*
 - (5) *Public or private recreation area or facility abutting a residential or commercial use, institutional use, scenic resource, noise sensitive use or public right-of-way.*

- (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.*

FINDING #59: Staff finds the table in 153.038 requires minimum landscape coverage of 10% of the site area. Staff finds this project provides approximately 14% landscape coverage.

The “City Lot” will contain islands at the ends of parking rows that will be filled with decorative rock. For security concerns it is desired that the secure parking area where Dunham Street currently is located not be landscaped.

The trees to be placed along 1st Street are shown between the street and the sidewalk and not between the sidewalk and property similar to the existing condition at the Amerititle property to the west. This is to prevent climbing of the trees to access the fence on the property line. Street trees shall be maple, flowering pear or other species approved by the City. Trees adjacent to sidewalks will have root barriers.

- (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.*

FINDING #60: Staff finds the above requirement will be met with new landscaping.

- (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.*

FINDING #61: Staff finds the landscaping will be maintained by County staff.

153.090 FENCES.

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

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

FINDING #62: Staff finds there will be a fence located in the rear yard along NE 1st Street that will vary from 8'-0" to 10'-0" high. Staff finds that it is required to shield the residences view across the street from the interior of the facility per 153.052 (K) (1). Its height is designed so as to block view from the second floor of a home across the street into the yard or any windows of the housing unit as requested by the home owner. The fence shall be blended with landscape and street trees. The fence is sight obscuring, modulating and constructed of gabion style wire cages with rock placed to provide a decorative mountain range pattern. The applicant is requesting approval of this fence with this request.

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

FINDING #63: Staff finds no fences will be located in the front yard.

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

FINDING #64: Staff finds this requirement is not applicable because the project is accessed via a driveway.

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

FINDING #65: Staff finds this requirement is not applicable because it is not in or adjacent to a wetland or surface water feature.

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

FINDING #66: Staff finds the proposed jail fencing shall be maintained by County staff in good condition.

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

FINDING #67: Staff finds the fencing shall not prevent neighboring property owners from accessing buildings on their property from the adjacent alley.

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

FINDING #68: Staff finds the fences shall not obstruct scenic views from adjacent buildings.

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

FINDING #69: Staff finds the fencing shall comply with the above requirement.

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

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

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

(L) *No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property of another person.*

FINDING #70: Staff finds the fencing shall comply with the above requirements.

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.*

(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 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).*

FINDING #71: Staff finds the applicant will comply with all applicable requirements.

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

concerns are received or if 3 or more Commissioners believe the application warrants a Commission review.

FINDING #72: Staff finds this request is for the construction of the Crook County Jail that will connect to the existing County Sheriff's Office.

153.136 SPECIFIC CONDITIONS.

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

- (A) Limiting the manner in which the use is conducted, including restricting the time an activity may take place and restrictions to minimize environmental impacts such as noise, vibration, air or water pollution, glare and odor.*
- (B) Establishing a special setback or other open space requirements, and increasing the required lot size or other dimensional standards.*
- (C) Limiting the height, size or location of a building or other structure or use.*
- (D) Increasing street width and/or requiring improvements to public streets and other public facilities serving the proposed use, even including those off-site but necessary to serve the subject proposal.*
- (E) Designating the size, number, improvements, location and nature of vehicle access points and routes, and requiring pedestrian and/or bicycle ways.*
- (F) Limiting or otherwise designating the number, size, location, height and lighting of signs and outdoor or security lighting, and the intensity and/or direction thereof.*
- (G) Requiring diking, screening, fencing or other improvements or facilities deemed necessary to protect adjacent or nearby properties, and establishing requirements or standards for the installation and maintenance thereof.*
- (H) Protecting and preserving existing trees, other vegetation and water, scenic, historic, archaeological, unique, landmark or other natural or manmade significant resources.*

FINDING #73: Staff finds the applicant acknowledges the City's Land Use Code Conditional Use Permit process.

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.

FINDING #74: Staff finds the applicant submitted a complete application and Burdon of Proof for the proposed County Jail Conditional Use Permit and Design Review request.

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 notice 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 notice 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.*
- (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.*

FINDING #75: Staff finds this request for a County Jail in the C-3 zone requires a Type II Conditional Use and Design 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.*
- (B) Issuance of a conditional use permit shall confer no right to the applicant beyond the time period for which it was issued.*

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

FINDING #76: Staff finds that this section is not applicable, because it is the County's intention to begin construction of the jail during the calendar year of 2017.

FIRE DEPARTMENT ACCESS: The site plan has been reviewed by the Crook County Fire and Rescue Fire Marshall in accordance with Appendix D of the Oregon Fire Code. The sally port is of sufficient size to accommodate 2 full size ambulances for evacuation of injured inmates or staff. The new portion of the facility shall be constructed of Type IIB construction and will be required to have a sprinkler system. The building is less than 30' in height and less than 62,000 square feet, so the Fire Marshall will not require aerial apparatus access or three means of equipment access.

FINDING #77: Staff finds that this section is applicable and that construction and operation of the jail will require compliance with the Fire Code as determined by the Fire Marshall.

CONDITIONS OF APPROVAL

General Conditions

1. The applicant shall comply with the Fire Department requirements for fire flows, sprinkler systems, fire hydrants, address signs and knock box locks and all other UFC requirements. The building shall have a sprinkler system installed.
2. The applicant shall comply with the site plans as submitted and any alteration made 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 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 construct all onsite improvements as shown in the submittal prior to occupancy. These improvements include but are not limited to, paved parking areas, bicycle racks and landscaping.
5. The project shall connect to City sewer and water and shall construct all infrastructure necessary to City Standards.
6. 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.

7. The applicant shall landscape the areas identified in the site plan per the submitted landscape plan. Modifications shall be reviewed by the Planning Director for consistency and intent of the original plan.
8. The applicant shall provide paved access and parking as proposed, including an agreement with the City about parking lot use for the Police Department (10 spaces reserved for Police Department use) and including designated ADA spaces. Bicycle racks for four bicycles shall also be provided.
9. Applicant shall secure any and all city, county, state and federal permits required for the proposed development prior to occupancy.
10. Crook County shall also apply for and complete a lot consolidation application which ultimately will benefit the County by reduced requirements in the Building permit process.
11. All landscaping approved or required as a part of the 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.
12. 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.
13. The applicant shall not allow onsite lighting to shine directly onto adjoining properties or public rights-of-way.
14. The applicant shall manage all storm water drainage on site as shown and agreed to in the site plan.
15. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances.

Respectfully submitted,



Phil Stenbeck, CFM
Planning Director