



# City of Prineville

## DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT REVISED STAFF REPORT

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**SECOND HEARING:** August 1<sup>st</sup>, 2017  
**FIRST HEARING:** July 18<sup>th</sup>, 2017

**PROJECT NUMBER:** Cu-2017-105

**APPLICANT:** St. Vincent De Paul of Crook County  
904 NE Court St.  
Prineville OR 97754

**OWNER:** Janice K. Mintiens  
970 NW Madras Hwy  
Prineville OR 97754

**PROJECT REVIEWER:** Joshua Smith  
Senior Planner

### APPLICABLE CRITERIA:

City of Prineville Code of Ordinances, Title XV, Chapter 153 including but not limited to sections 153.009, 153.014, 153.036 - 153.038, 153.051, 153.080 -153.097, 153.136, 153.160, 153.190 - 153.200.

### FINDINGS OF FACT:

- 1. PROPOSAL:** The applicant is proposing the placement of a 24' x 60' manufactured home on tax lot 100 or 101 to be remodeled into a 16 bed men's homeless shelter. This shelter will replace the shelter that was displaced by the construction of the new jail south of the Court House. The shelter will be managed through Redemption House Ministries as "Regeneration House" and managed by on site staff when open. A site obscuring fence is proposed along the property lines adjacent to the shelter. Two site plans have been submitted showing how the site would function either on tax lot 100 or 101. The rear portion of tax lot 101 will not be used for the shelter but is proposed to have a new septic field developed for the shelter. The goal is to maintain an outward appearance as a residence.
- 2. LOCATION:** 970 NW Madras Hwy, Map & Tax lot 14-16-31CC 00100 & 101
- 3. ZONING:** The subject property is zoned General Commercial (C2).
- 4. SITE DESCRIPTION:** The parcels are located adjacent to one another and have been used as a single property in the past. Tax lot 100 is currently vacant but previously had a single wide mobile home. Tax lot 101 is mostly vacant with several out buildings. A 2011 aerial of the site is shown below, where you can clearly see the old mobile home on tax lot 100 and out buildings on tax lot 101.



5. **LOTS OF RECORD:** The properties are legal lots of record as parcel 1 & 2 of partition plat 1997-01 recorded at the Crook County Clerk's office.
6. **COMMENTS:** An opposition letter was received via e-mail that was sent to the City council. That letter was submitted into the record and addressed at the hearing on July 18<sup>th</sup>. At the hearing on July 18<sup>th</sup>, three people involved in the application spoke in favor of the proposal, eight people spoke in opposition and two had general questions. A summary of the hearing is available on the City's web site as well as a full audio recording of the hearing.
7. **FINDING SUMMARY:** Changes were made to the findings and conditions based on the July 18<sup>th</sup> hearing. Homeless shelters are considered a commercial use and are not allowed in residential zones. The proposed homeless shelter is in compliance with the General Commercial (C2) zone and can also meet the dimensional standards of the General Residential (R2) zone for the proposed manufactured home. The use will not exceed public facility carrying capacity. A new water service will be required; however, City sewer is difficult and costly to access on the other side of the highway and therefore may be served by a new septic system if approved by the County. The intent of the proposal is to maintain the appearance of a single family residence and not an overtly commercial use. Several sites were considered by the applicant for this proposal. Two sites were selected as having the greatest likelihood to succeed. This site was the secondary option after being denied the potential of using the Les Schwab property just north of 6th street along the Madras Hwy. Currently this site provides the best option for replacing the shelter with minimal conflicts to neighboring properties. This site is relatively close to the core of town with reasonable buffers from neighboring residential uses. Being along the highway makes the property very visible and easy to police if necessary and does

not require people to pass through a predominantly residential area to access the property. Existing trees along the frontage of the highway shall be preserved or replaced with other landscaping. A 6 foot cedar fence with steel posts is proposed along the adjacent property boundaries where the shelter is located as well as a 4ft. front yard fence, excluding the driveway. The applicant is also proposing to construct an enclosed outdoor area behind the building and within the proposed fencing where residence may congregate. A contact number for shelter management shall be provided for area residents to call with concerns.

**Criteria: 153.009 COMPLIANCE WITH OTHER RULES AND REGULATIONS.**

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

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

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

**Finding 1:** The applicant shall comply with all City, County, State and Federal rules and regulations. These rules and regulations include but are not limited to, meeting the City's standards and specifications for all public infrastructure and meeting Crook County Building Department requirements for all onsite construction.

**Criteria: 153.014 GENERAL CRITERIA.**

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

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

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

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

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

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

**Finding 2:** The comprehensive plan does not address a homeless shelter directly; however, the purpose of the shelter is to provide a public service which is consistent with Chapter 8 for providing emergency services to support new growth. The applicant has indicated that the shelter will have an on-site manager when open. Staff recommends this be a condition of approval.

A homeless shelter is in compliance with the General Commercial (C2) zone and can also meet the dimensional standards of the General Residential (R2) zone for the proposed manufactured home. The use will not exceed public facility carrying capacity. A new water

service will be required; however, City sewer is difficult and costly to access on the other side of the highway. Being that the proposal is more of a residential use and not commercial it was considered to be an unreasonable request to require connection to sewer if a septic system can be approved by the Crook County Environmental Health Department on tax lot 101.

**Criteria: 153.051 GENERAL COMMERCIAL C-2 ZONE.**

*In a C-2 Zone, the following regulations shall apply.*

*(A) Purpose. The purpose of the C-2 Zone is to provide for those commercial uses which are considered more desirable to be located in an area outside of the downtown commercial core area, that are more dependent upon and create the highest volumes of vehicular traffic, are considered the heaviest or most intensive type of commercial uses, which actually involve a combination of heavy commercial and light industrial type uses, which commonly involve expansive areas of outside storage and displays of products and are more traveler oriented.*

**153.037 COMMERCIAL & INDUSTRIAL USE TABLE**  
*Homeless Shelter – Type II conditional use*

**153.038 COMMERCIAL & INDUSTRIAL DIMENSIONAL STANDARDS**  
*Permitted residential – shall meet R2 standards*

**153.036 RESIDENTIAL DIMENSIONAL STANDARDS**  
*Minimum Street Frontage (ft.): 50ft.*  
*Minimum Lot Size: 5000 sq. ft.*  
*Minimum Lot size for duplex: 7500 sq. ft.*

**Finding 3:** Homeless shelters are considered a commercial use and only allowed in the Central Commercial (C1) and General Commercial (C2) zones. This limits the potential sites to specific areas of town. Though it is in a commercial zone along the Highway, the intent of the proposal is to maintain the appearance of a single family residence and not an overtly commercial use. The site plan meets both the dimensional standards of the C2 and R2 zones.

**Criteria: 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.*

*(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 4:** Even though the property is in a commercial zone, the intent of this application is to create a men's shelter with the outward appearance of a single family home. The proposal is to place a double wide manufactured home in a place where a single wide manufactured home existed or on the adjacent property. Due to the construction of the new jail the previous men's shelter behind the Court House has been removed. Several sites were considered by the applicant for this proposal. Two sites were selected as having the greatest likelihood to succeed. This site was the secondary option after being denied the potential of using the Les Schwab property just north of 6<sup>th</sup> street along the Madras Hwy. Currently this site provides the best option for replacing the shelter with minimal conflicts to neighboring properties. This site is relatively close to the core of town with reasonable buffers from neighboring residential uses across the highway and in the subdivision behind the property. Being along the highway makes the property very visible and easy to police if necessary and does not require people to pass through a predominantly residential area to access the property. Existing trees along the frontage of the Hwy shall be preserved or replaced with other landscaping. It is understood that one tree may need to be removed to locate the manufactured home and another is compromising a power pole. A 6 foot cedar fence with steel posts is proposed along the adjacent property boundaries where the shelter is located as well as a 4ft. front yard fence, excluding the driveway. The applicant is also proposing to construct an enclosed outdoor area behind the building where residence may congregate.

**Criteria: (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 5:**

1) The property fronts on to the Hwy, ODOT has not indicated any needed improvements. Additional ROW is not necessary, the property already has an access point for each property involved and an off street bike/pedestrian path already exists in place of a sidewalk.

2) The new structure shall be connected to City water which is located directly along the frontage of the property. City sewer is available on the other side of the Hwy; however, due

to the cost and difficulty of accessing this sewer line a new septic system may be constructed on tax lot 101 if approved by the Crook County Environmental Health Department. Having this parcel as part of the shelter also provides additional parking and buffers to neighboring properties and uses.

3) As stated previously in Finding 5, the existing trees along the Hwy shall remain for screening purposes or replaced with other landscaping to maintain the current visual impact of the property.

4) The applicant did not proposed any paved access or parking; however, as a commercial/multi-family use the code requires areas used for parking, access and maneuvering to be paved. Being that this is a shelter, only minimal parking would be necessary. Staff recommends the Commission require a 30' paved access to the site as well as paved parking and maneuvering area for the two parking spaces and ADA space adjacent to the shelter. Other areas depicted as parking on the plan may be used for overflow parking if necessary or other on site amenities as needed.

5) Stormwater drainage shall be maintained on-site. There will be a large amount of pervious surface around the shelter and proposed parking area that drainage should not be a problem.

**Criteria: 153.135 AUTHORIZATION TO GRANT OR DENY.**

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

**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 6:** The above criteria offers a list of specific items the Planning Commission may impose to mitigate impacts to the surrounding area, City as a whole or general public. Based on the testimony at the hearing the Commission asked staff to review and add conditions that may mitigate some of the concerns. The Planning Commission has the ability to affect what happens on the site to a degree but does not have the ability to affect what happens off the site. As demonstrated by the testimony at the July 18<sup>th</sup> hearing there is already alleged illegal activity happening within the Studebaker area, particularly at a nearby trailer park accessed just south of the proposed site. Based on statistics provided by the applicant it is clear that a shelter is needed and should help alleviate at least some of the problems associated with homelessness if the people are willing. Those who are not willing are most likely causing the problems we hear about and the neighbors are concerned about.

The Commission may make a condition specifying the type and location of a fence, that there always be an onsite manager when the shelter is open, that a contact number for shelter management be provided and that no drugs or alcohol is allowed on site at any time. The Commission may state the hours of operation as a condition but it is unclear how this would create a safer place and may actually be detrimental to the purpose of the shelter. The Commission may condition that no loitering take place at the facility when it is closed but can't limit people from standing in a public space whether they are waiting for the shelter or not. The Commission may make a condition that if a resident of the shelter is caught trespassing they may not stay at the shelter. Assuming the individual does not go to jail where would he go if the shelter is not an option?

**Recommended Conditions of Approval:** If approved the following conditions are recommended for application **Cu-2017-105** to allow a Men's Homeless Shelter. Such an approval is subject to the submitted plans, findings stated in the staff report, those conditions contained within and the following conditions of approval set forth below:

### **RECOMMENDED CONDITIONS OF APPROVAL**

1. Comply with the Fire Department requirements for fire flows, sprinkler systems, fire hydrants, address signs and Knox Box locks and all other Uniform Fire Code requirements. The applicant shall coordinate and comply with the Crook County Rural Fire and Rescue requirements.
2. The applicant shall comply with the site plans as submitted or as altered by the hearings process and conditions of approval. Any modifications of the site plan shall be reviewed by the City for compliance with City code. Significant modifications as determined by the City code will require a modification application.

3. The applicant shall preserve the existing trees or provide other landscaping along Madras Highway for screening purposes and to maintain the current visual impact of the property. It is understood that one tree may need to be removed to move in the manufactured home and another tree is compromising a power pole.
4. The applicant shall pave a 30 foot access from the Hwy to the property and pave the parking and maneuvering area for the two parking spaces and ADA space adjacent to the shelter. Other areas depicted as parking on the plan may be used for over flow parking if necessary or other on site amenities as needed.
5. The applicant at a minimum shall construct a 6 foot cedar fence with steel post along the adjacent property boundaries where the shelter is located. Including a 4ft. front yard fence excluding the driveway. If located on tax lot 101 the rear fence for the shelter shall be located approximately halfway through the property.
6. The applicant shall construct an outdoor enclosure to the rear of the property inside the proposed fencing for the residence to congregate. No resident shall congregate in the front of the facility.
7. There shall be no loitering on the property when the shelter is closed.
8. The shelter shall have a designated on-site manager at all times when the shelter is open. A contact number for shelter management shall be provided upon request for area residents to voice issues or concerns.
9. The shelter shall initially open with the hours of 5:00 p.m. to 6:00 a.m. with doors closed at 10:00 p.m. with the exception of an emergency shelter for inclement weather. If no complaints have been received within one year regarding residents of the shelter the hours may be extended without review.
10. There shall be no drugs or alcohol on site at any time.
11. The applicant shall connect the structure to City water and sanitation system shall be by approved septic system or City sewer. The applicant shall pay all applicable system development charges (SDCs) and connection fees prior to issuance of a building permit.
12. Applicant shall secure any and all City and County permits required for the proposed development prior to use, including, but not limited to all Crook County Building Department permits.

**On-going Responsibilities**

13. 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.
14. The applicant shall not allow onsite lighting to shine directly onto adjoining properties or public rights-of-way.



15. The applicant shall maintain all stormwater drainage on site.
16. The applicant/owner shall maintain the property in good repair and appearance and in a clean condition at all times.
17. The applicant is required to comply with all relevant portions of the City of Prineville Code of Ordinances.

### **MOTION IN FAVOR**

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

### **MOTION IN OPPOSITION**

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

Written by:



Joshua Smith  
Senior Planner