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Planning Division  
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## Final Decision 217-24-000020-PLNG

**DATE:** June 26, 2024

**OWNER:** Julie and Ariana Mayers  
1308 NE Carson St  
Prineville, OR 97754

**AGENT/  
APPLICANT:** Liz Willmot  
Kimley-Horn and Associates  
1201 Third Avenue, Suite 2800  
Seattle, WA 98101

**LOCATION:** The subject property is a 5.22-acre parcel, on the west side of SE Juniper Canyon Road, approximately 7.2 miles south of Prineville. The property is identified by the Crook County Tax Assessor as: 1616020000900.

**ZONING:** Recreation Residential Mobile Zone, RR(M)-5

**REQUEST:** The Applicant requests a conditional use permit for a Dollar General store.

### I. SUMMARY OF TESTIMONY, REBUTTAL, AND FINAL ARGUMENT

The Planning Commission held the first public hearing on May 15, 2024. At that time there were 115 exhibits to the record. During the hearing staff presented the staff report, the Applicant provided testimony and there were 10 members of the public that testified.

The Applicant testified to the submission of their narrative statement and intent to develop the site. They spoke of the benefits that their tenant, Dollar General, would bring to the area.

One person testified as neutral to the proposal but asked that the company merge with an existing business within the City of Prineville.

Nine citizens testified in opposition to the proposal with traffic concerns, livability, crime, operating characteristics of the specific business, questioning the recreational services offered.

A request was made to keep the record open for additional testimony, of which the Planning Commission agreed and set a date and time certain for deliberations only. The open record period for additional submittal expired on May 22, 2024, at 4pm. The submission of rebuttal materials

expired on May 29, 2024, at 4pm, and the Applicant's opportunity to submit final argument expired on June 5, 2024, at 5pm.

During the first seven days of open record, there were an additional 16 exhibits submitted, 6 of which were in favor of the proposal, 10 that were in opposition. Those that were in favor expressed the desire to reduce their number of trips into town for necessities and affordability of products. Those in opposition included concerns of increase of noise, traffic, crime, and impact to livability. Additional evidence included data from the County's transportation system plan regarding crash rates and information from a presentation regarding a secondary access/egress in Juniper Canyon.

The Applicant submitted final argument offering additional information regarding traffic, lighting, responses to concerns expressed in opposition testimony as well as a letter from Dollar General.

## **II. SUMMARY OF TESTIMONY as of May 3, 2024:**

As of May 3, 2024, ninety-five (95) Exhibits had been submitted. Of those submitted, three (3) submitted in support and ninety-two (92) in opposition. The broad themes of opposition include general increase in traffic, specific safety and congestion at the proposed access, left hand turn safety, increase in use of the local roads with no maintenance agreements, a single access in and out for the area as a whole (via Juniper Canyon Rd.), increase in lighting, increase in trash, and livability.

Livability concerns expressed from the exhibits range from the proposal not being needed, not being wanted, to protecting residents 'rural way of life', property values, dark skies designation, and residential properties experiencing the increase of noise from a commercial business. Other concerns raised include disruption to wildlife patterns, increase in crime, general safety, water usage, and fire risk.

The comments in support note it will help folks with mobility challenges, limited resources, and families with children. They also note the stores up Juniper Canyon do not have a good stock of staple items and that a corporate store will cut costs for people without having to drive to Prineville.

## **III. APPLICABLE CRITERIA**

### ***Crook County Code***

#### ***Title 18, Zoning***

##### ***Chapter 18.40 Recreation Residential Mobile Zone, RR(M)-5***

***18.40.005 Regulations designated.***

***18.40.020 Conditional uses permitted.***

***18.40.040 Yard and setback requirements.***

***18.40.050 Dimensional standards.***

***18.40.060 Signs.***

***18.40.070 Off-street parking and loading.***

18.40.100 *Limitations on conditional uses.*

**Chapter 18.124 Supplementary Provisions**

18.124.010 *Access – Minimum lot frontage.*

18.124.020 *Establishment of clear-vision areas.*

18.124.030 *Measurement of clear-vision area.*

18.124.040 *Sign limitations and regulations.*

18.124.050 *Authorization of similar uses.*

18.124.060 *General provisions regarding accessory uses.*

18.124.070 *Projections from buildings.*

18.124.080 *Maintenance of minimum ordinance requirements.*

**Chapter 18.128 Off-street parking requirements**

18.128.010 *Off-street parking requirements.*

18.128.015 *Bicycle parking.*

18.128.020 *Off-street parking and loading.*

18.128.030 *Design and improvement standards for parking lots.*

**Chapter 18.160 Conditional Uses**

18.160.010 *Authorization to grant or deny conditional uses.*

18.160.020 *General criteria.*

18.160.030 *General conditions.*

18.160.040 *Permit and improvements assurance.*

18.160.060 *Procedure for taking action on conditional use application.*

18.160.070 *Permit expiration dates.*

18.160.080 *Occupancy permit.*

**18.176 Access management standards.**

18.176.010 *Access management standards.*

**18.180 Transportation Impact Analysis**

18.180.010 *Transportation impact analysis.*

**IV. FINDINGS**

**Crook County Code**

**Title 18, Zoning**

**Chapter 18.40 Recreation Residential Mobile Zone, RR(M)-5**

**18.40.005 Regulations designated.**

*In an RR(M)-5 zone, the following regulations shall apply. In addition, provisions of Chapter 18.124 CCC (Supplementary Provisions) may apply.*

**FINDING:** The Planning Commission relied on the material in the record to make findings on the applicable standards and criteria.

**18.40.020 Conditional uses permitted.**

*In an RR(M)-5 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements set forth by this section and Chapter 18.160 CCC.*

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*(6) Commercial activity directly related to recreation, including but not limited to motel, food and beverage establishment, recreation vehicle gasoline service station, recreation vehicle rental and storage facility and gift or sporting goods store.*

**FINDING:** The Planning Commission found the Applicant had not met the burden of proof to meet the standard for establishing the commercial activity is directly related to recreation as required to comply with Crook County Code 18.40.020(6).

Commissioners determined that the proposed use is a commercial activity however not related to recreation. They acknowledged the Applicant had provided a list of general good which may or may not be related to recreation however the predominant use is for general goods.

The Applicant states, “[t]he proposed Dollar General will provide affordable grocery and general goods items for instate and out-of-state tourists and recreational enthusiasts as well as nearby residents.” It goes on to list various items “for the recreational visitors” including, but not limited to, paper and cleaning products (e.g., paper plates), packaged foods and snacks (e.g., marshmallows, ice and beer), seasonal products (e.g., charcoal, skewers, and first aid supplies), health (e.g., over the counter medicines and ointments), and automotive (e.g., duct tape and oils).

The Planning Commission considered the recreation opportunity as the Prineville Reservoir including Jasper Point. Discussion of the seasonality of recreation opportunities at the reservoir (April through September) and the existing transportation system limiting connectivity to other areas of the county.

Page 3 of the Narrative states that the proposed store is “[c]entrally located between Ochoco Reservoir, Prineville Reservoir, and multiple other outdoor recreational activities...”. The Applicant further states that “visitors will visit this Dollar General to stock up for their fishing, boating, picnicking, hiking, mountain biking, camping, or RV adventure...”.

Commissioner Dill noted that the exhibits in favor of the application were for general goods availability in Juniper Canyon, not for recreation.

The Planning Commission finds the commercial activity is not directly related to the recreation in the area and denies the application.

**18.40.040 Yard and setback requirements.**

*In an RR(M)-5 zone, the following yard and setbacks shall be maintained:*

*(1) The front setback shall be a minimum of 20 feet from a property line fronting on a local minor collector or marginal access street ROW, 30 feet from a property line fronting of a major collector ROW, and 80 feet from an arterial ROW unless other provisions from combining accesses are provided and approved by the county.*

*(2) There shall be a minimum side yard of 10 feet for all uses, except in the case of a nonresidential use adjacent to a residential use the minimum side yard shall be 20 feet.*

*(3) The minimum rear yard shall be 20 feet.*

**FINDING:** The submitted site plan shows the building will be further from the minimum required setbacks for the RR(M)5 zone. The standards above are met.

**18.40.050 Dimensional standards.**

*In an RR(M)-5 zone, the following dimensional standards shall apply:*

*(1) Percent of Lot Coverage. The main building and accessory buildings located on any building site or lot shall not cover in excess of 30 percent of the total lot area.*

*(2) Building Height. No building or structure, nor the enlargement of any building or structure, shall be hereafter erected to exceed two stories or more than 30 feet in height.*

**FINDING:** The submitted site plan, narrative, and elevations show the development will be less than 30% of the total lot area and the building height less than 30 feet. The subject property is 227 383.2 sq. ft., and the proposed building is 12,687 square feet. The lot coverage is 17.9%. The standards above are met.

**18.40.060 Signs.**

*In an RR(M)-5 zone, the following signs are permitted:*

*(1) Business signs provided the aggregate of the signs do not exceed an area equal to one square foot of sign face for each foot of lot frontage or 100 square feet of sign face, whichever is the least, and the sign is not in or extending over a street ROW.*

*(2) The specific types, sizes, design and number of permitted commercial signs shall conform to the general provisions governing signs found in CCC 18.124.040.*

**FINDING:** The proposed sign face is proposed at 50.63 sq. ft. on a double facing sign, thus over the allowed 100 sq ft. The proposed sign location as shown on the proposed site plan is outside of the Juniper Canyon Right of Way.

The Planning Commission found proposed signage would be addressed through additional sign standards, including CCC 18.124.040.

A condition of approval has been added to ensure the proposed signage meets the standards in CCC18.124.040 and 18.40.060.

**18.40.070 Off-street parking and loading.**

*In an RR(M)-5 zone, off-street parking and loading shall be provided in accordance with the provisions of Chapter 18.128 CCC.*

**FINDING:** The off-street parking and loading standards are addressed under CCC 18.128.

**18.40.090 Lot size.**

*In an RR(M)-5 zone, the following lot size shall apply:*

*The minimum property size for a new parcel shall be five acres in size.*

**FINDING:** The proposal is located on an existing parcel; the above standard does not apply. The County Assessor's records show the property is an existing parcel at 5.22 acres.

**18.40.100 Limitations on conditional uses.**

*In addition to the standards and conditions that may be attached to the approval of conditional uses as provided by Chapter 18.160 CCC, the following limitations shall apply to conditional uses in an RR(M)-5 zone:*

*(1) An application for a conditional use in the RR(M)-5 zone may be denied if, in the opinion of the planning commission, the proposed use is not related to or sufficiently dependent upon the recreational resource of the area.*

**FINDING:** Planning Commission defined "the area" as Juniper Canyon. An area extending to the Crooked River rimrock to the west, the lake to the south, the City of Prineville to the north, and to the east inclusive of the Ochoco Land and Livestock areas. Including the consideration for the existing road system and limited connectivity to other parts of the county.

Next the Commission deliberated on whether the proposed use is related to or sufficiently dependent on the recreational resources in "the area". They considered different examples of recreational opportunities including examples of recreation from the Comprehensive Plan:

*"These include, but are not limited to, open space and scenic landscapes; recreational lands; historical, archeology and natural science resources; scenic roads and travelways; sports and cultural events; camping, picnicking and recreational lodging; tourist facilities and accommodations; trails; waterway use facilities; hunting; angling; winter sports; mineral resources; active and passive games and activities." (pg. 58)*

The Planning Commission also reviewed material in the record including the Narrative, testimony, and exhibits. They decided that the Applicant had failed to meet the burden of proof for the use as related to or sufficiently dependent upon the recreational resource.

Applicant's support for the recreational tie:

1. "The applicant argues that the proposed retail store supports recreational use by offering affordable grocery and general goods items for users of nearby recreational areas. Asphalt parking for recreational vehicles is offered onsite, allowing users to stop on the way to/from their recreation for supplies.
2. The site is located on SE Juniper Canyon Road, which is the main thoroughfare between Prineville and the Prineville Reservoir State Park. State Route 26 passes through Prineville, so any hikers/fishers/boaters looking to visit Prineville Reservoir State Park that live to the north will pass along the site as they travel south via SE Juniper Canyon Road. The proposed general goods store offers recreational users the opportunity to stock up on last-minute items and groceries before or after their activities." (pg. 9)

Submitted testimony and exhibits in the records rebut the Applicant's statements to the recreational tie, the materials call out the Applicant's advertising as a 'Neighborhood Store'. Additionally, testimony submitted in opposition to the proposal cited the seasonal recreation opportunities as being limited and thus not related to or sufficiently dependent on recreation.

The Planning Commission denies the application, finding that the proposed use is not related to or sufficiently dependent upon the recreational resource of the area.

*(2) An application for a conditional use in the RR(M)-5 zone may be denied if the applicant fails to demonstrate that a location in close proximity to the recreation resource to be served is essential to the public interest and to the full development of the recreation resource.*

**FINDING:** The Planning Commission considered the material in the record and found that the Applicant did not meet the burden of proof to demonstrate the service provided to the recreation resource was of public interest. The Narrative included a description of a general goods store and there were multiple exhibits questioning public interest.

"The site is located on SE Juniper Canyon Road, which is the main thoroughfare between Prineville and the Prineville Reservoir State Park. State Route 26 passes through Prineville, so any hikers/fishers/boaters looking to visit Prineville Reservoir State Park that live to the north will pass along the site as they travel south via SE Juniper Canyon Road. The proposed general goods store offers recreational users the opportunity to stock up on last-minute items and groceries before or after their activities". (pg. 8 of the Narrative)

Many exhibits submitted speak to the proposal as not needed: Exhibits 1, 6, 8, 9, 10, 14, 21, 31, 39, and 62 (not exhaustive).

Exhibit 91 addresses the above criteria specifically and states, "I don't believe they've demonstrated that this is essential to public interest." (pg. 2)

The Planning Commission denied the application, finding the Applicant did not meet the burden of proof to show compliance with CCC 18.40.100(2).

*(3) In approving a conditional use in the RR(M)-5 zone, the commission shall be satisfied that the applicant is fully apprised of the county's policy relative to development or maintenance of access improvements to recreation-residential areas, and may attach the following as a condition of approval: The granting of this permit in no way obligates Crook County to the provision, development or maintenance of access, required or otherwise to the property for which this permit is issued.*

**FINDING:** The proposal is accessing Juniper Canyon Rd and is subject to the access management standards.

*(4) The planning commission may require establishment and maintenance of fire breaks, the use of fire-resistant materials in construction and landscaping or may attach other similar conditions or limitations that will serve to reduce fire hazards or prevent the spread of fire to surrounding areas.*

**FINDING:** The Planning Commission found that the application could meet the above standard through requiring an additional condition of approval. The Building Department shall review will address fire and building code with development of the structure. Page eight of the Narrative states “[t]he proposed site plan includes an above-ground water tank for the purposes of fire protection. [and] “would follow the requirements from the County regarding other fire suppression measures.”

*(5) The planning commission may limit changes in the natural grade of land, or the alteration, removal or destruction of natural vegetation in order to prevent or minimize erosion or pollution.*

**FINDING:** The Planning Commission was not able to assess if limitations would be necessary. The Applicant did not include a grading and drainage plan in the application material. The Applicant states, “The proposed development will minimize earthwork disturbance to the greatest extent feasible. It is the intention of the design team to leave the site areas south of the building/parking and north of the detention pond in its natural state.” (pg. 8 of the Narrative)

The Planning Commission discussed the topography and vegetation of the site and decided to require a grading and drainage plan to be reviewed at the time of site plan application. The grading and drainage plan will prevent or minimize erosion and destruction of natural vegetation.

*(6) Compliance with the comprehensive plan shall be required for the approval of any application for a conditional use in the RR(M)-5 zone.*

**FINDING:** The Planning Commission found that the Applicant has not met the burden of proof



showing the proposed conditional use is in compliance with the Comprehensive Plan. They reviewed one of the policies for recreational resources (below) and determined that the Applicant had not addressed the criteria.

*“1. Energy consequences shall be considered by all recreation plans to the extent that non-motorized types of recreational activities shall be preferred over motorized activities. Facilities directly serving the recreational needs of Prineville shall be built as close to the population center as possible in order to conserve energy of transportation to the site.*

The Narrative states, “Based on the applicant’s research, the only applicability of the comprehensive plan to this site is the recreational use, which is the purpose of this Conditional Use Permit.” (pg. 8)

*(7) An application for a commercial use, subdivision or PUD may be denied if the subject proposal does not have immediate or adequate access to an existing or planned designated arterial or collector street.*

**FINDING:** The property is adjacent to SW Juniper Canyon Rd, which is listed as major collector street in the County’s Transportation System Plan. This standard is met.

**18.40.110 Wildlife policy applicability.**

*The residential density limitations and the lot and parcel size limitations found in Wildlife Policy 2 of the Crook County comprehensive plan do not apply to any nonresource zones.*

**FINDING:** Wildlife policy 2 does not apply to a nonresource zone, the property is in the Recreational Residential zone, RR(M)-5. This standard does not apply.

**Chapter 18.124 Supplementary Provisions**

**18.124.010 Access – Minimum lot frontage.**

*Every lot shall abut a street, other than an alley, for at least 50 feet.*

**FINDING:** The parcel has 859 feet of street frontage. This standard is met.

**18.124.020 Establishment of clear-vision areas.**

*In all zones, a clear-vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear-vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding two and one-half feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.*

**18.124.030 Measurement of clear-vision area.**

*A clear-vision area shall consist of a triangular area two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified*

*in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two sides. The following measurements shall establish clear-vision areas within the county:*

*(1) In an agricultural, forestry or industrial zone, the minimum distance shall be 30 feet, or at intersections including an alley, 10 feet.*

*(2) In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:*

<i>Row Width</i>	<i>Clear-Vision Measurement</i>
<i>80 feet and more</i>	<i>20 feet</i>
<i>60 feet</i>	<i>30 feet</i>
<i>50 feet</i>	<i>40 feet</i>

**FINDING:** The property does not have an intersection of two streets. These standards do not apply.

**18.124.040 Sign limitations and regulations.**

*In addition to the standards and limitations set forth in this title, signs shall be installed in accordance with applicable regulations of state and federal agencies. No sign will hereafter be erected, moved or structurally altered without being in conformity with the provisions of this title. Official traffic control signs and instruments of the state, county or municipality are exempt from all provisions of this title.*

*(1) All outdoor signs shall be in compliance with the provisions of this title and the provisions of Chapter 377 ORS when applicable.*

*(2) No outdoor sign permitted by Chapter 377 ORS shall be erected within 300 feet of a residential dwelling without written consent of the owner and/or occupant of said dwelling.*

**FINDING:** The property is not located within or near an area that is regulated by ORS 377. The standards do not apply.

*(3) No sign shall be placed as to interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.*

*(4) No sign shall cause glare, distraction or other driving hazards within a street or road right-of-way.*

*(5) No sign shall shine directly upon a residential dwelling or otherwise create a nuisance.*

*(6) In addition to the limitations on signs as provided by subsections (1) through (5) of this section, additional sign restrictions may be required as determined by the*

planning commission in approving conditional uses, as provided by Chapter 18.160 CCC.

**FINDING:** The Planning Commission found that the proposed signage would be regulated.

**18.124.070 Projections from buildings.**

*Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than three feet into a required yard; provided, that the projection is not closer than three feet to a property line.*

**FINDING:** The proposed building does not contain an architectural feature which would project into the required setback. This standard is met.

**Chapter 18.128 Off- Street Parking**

*At the time of construction, reconstruction or enlargement of a structure or at the time a use is changed in any zone, off-street parking space shall be provided as follows unless greater requirements are otherwise established. Where square feet of the structure or use are specified as the basis for the requirement, the area measured shall be the gross floor area primary to the functioning of the particular use of the property. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.*

Use	Minimum Requirements
6. Commercial	
a. Retail store except as provided in subsection (6)(b) of this section.	One space per 300 square feet of floor area designated for retail sales.

**FINDING:** The Planning Commission did not address the proposed number of parking spaces. The Applicant would be required to submit an additional site plan with additional information. The proposed off-street parking is 1/300 sq. ft. of retail floor area, designated for retail sales. The applicant has not provided the retail floor calculation only the total square footage of the proposed building, 12,687 square feet. At the current calculation the off-street parking requirement is 43 spaces, the applicant has proposed 43 spaces.

**18.128.015 Bicycle parking.**

*(1) Applicability. Excluding uses listed in subsection (2) of this section, all proposed development where required new vehicle parking areas number 10 or more spaces must include a designated area for bicycle parking.*

*(2) Exemptions. This section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The county roadmaster may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any attendees, patrons or employees arriving by bicycle.*

**FINDING:** An exemption has not been requested or approved through the county roadmaster. The Applicant has proposed bicycle parking; standards are required and addressed below.

*(3) Standards. The minimum number of required bicycle parking spaces shall be:*

*(a) For all uses subject to this section, two bicycle spaces for the first 10 motorized vehicle parking areas, plus one additional bicycle space for each additional 10 motorized vehicle parking spaces thereafter.*

**FINDING:** The Applicant is proposing 6 bicycle spaces. The total off-street parking proposed is 43 spaces, utilizing the calculation above, would equal 2 for the first 10 spaces (33), then 1 additional for each 10 spaces, for a total 5 spaces. The standard is met.

*(4) Design. Unless otherwise identified in subsection (3) of this section, bicycle parking shall consist of staple-design steel racks or other county-approved racks, lockers, or storage bins providing a safe and secure means of storing a bicycle.*

*(5) Location. For institutional, employment, and commercial uses, the designated area for bicycle parking shall be within 50 feet of a public entrance.*

*(6) Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of this code.*

**FINDING:** The Planning Commission did not fully discuss the design, layout and details for any bicycle parking. The Applicant did not provide detailed information regarding the above standard. The Applicant would need to provide greater detail of the proposed bicycle parking to not impede or create a hazard to pedestrians or vehicles and shall be located so as to not conflict with the vision clearance standards of this code.

**18.128.020 Off-street parking and loading.**

*Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to handle adequately the needs of the particular use. Off-street parking areas used to fulfill the requirements of this title shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs. General provisions are as follows:*

*(1) The provisions and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this title to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.*

**FINDING:** The Applicant has not proposed off street loading berths for distribution and receiving merchandise or addressed how merchandise will be delivered to the site. Off-street parking areas used to fulfill the requirements of this title shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs. The Planning Commission added conditions of approval that the Applicant shall provide the information regarding the distribution of merchandise including any proposed location of loading berths or how the parking area will be utilized during hours when the public is not using the parking area at the time of site plan review. It is the continuing obligation of the property owner for the provisions and maintenance of off-street parking and loading spaces.

*(2) Requirements for types of buildings and uses not specifically listed in this title shall be determined by the planning commission based upon the requirements for comparable use listed.*

*(3) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*

*(4) Owners of two or more uses or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap; provided, that satisfactory legal evidence is presented to the county in the form of deeds, leases or contracts to establish the joint use.*

*(5) Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces for residential uses shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.*

**FINDING:** The above standards do not apply to this proposal.

*(6) Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.*

**FINDING:** Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

**18.128.030 Design and improvement standards for parking lots.**

*(1) Areas used for parking for more than two vehicles shall have durable and dustless surfaces adequately maintained.*

**FINDING:** The Planning Commission discussed the proposal regarding the limited space for accommodating larger vehicles or vehicles towing boats. The Narrative states, "The proposed

development will have heavy-duty pavement along the drive aisles to allow pavement to withstand larger vehicles and delivery trucks traversing the site and the parking stalls will be standard-duty pavement.” (pg. 14). A condition of approval is included for a revised plot plan showing additional dustless gravel surface area for larger vehicles to maneuver on the site.

*(2) Except for parking in connection with dwelling, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimize disturbance to residents by the erection between the uses of a sight-obscuring fence or planted screen of not less than six feet in height except where vision clearance is required.*

**FINDING:** Planning Commission found that the Applicant had not met the burden of proof to show how the proposed six foot fence along the property boundary would minimize disturbance to residents. Multiple exhibits and testimony raised concerns regarding the nature of the business and disturbance to neighboring residences. The Narrative states, “The site proposes a fence at the west and south setback lines for minimal disturbance to the residential lots adjacent to the site.” (pg. 14). The Planning Commission discussed the need for screening and particularly the fencing.

*(3) Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or by a curb which is at least four inches high and which is set back a minimum of one and one-half feet from the property line.*

**FINDING:** The Applicant proposed all stalls along the outer edge of the parking lot have a bumper rail or wheel stops. Planning Commission found that the Applicant has not met the burden of proof adequately providing details showing the specific design. A condition of approval has been added to require the design of a bumper rail or curb, must be in compliance with 18.128.030(3).

*(4) Artificial lighting, which may be provided, shall not shine or create glare in any residential zone or on any adjacent dwelling.*

**FINDING:** The Planning Commission discussed lighting and added a condition of approval that all artificial lighting shall not shine or create glare in any residential zone or on any adjacent dwelling.

*(5) Access aisles shall be of sufficient width to permit easy turning and maneuvering.*

**FINDING:** Planning Commission found that the Applicant had not met the burden of proof adequately providing details showing the access aisles would be a sufficient width to permit easy turning and maneuvering, especially in consideration of larger recreational vehicles and vehicles towing boats. A condition of approval has been added to address parking lot standards.

*(6) Except for single-family and duplex dwellings, groups of more than two parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.*

**FINDING:** The submitted proposal does not include any backing or maneuvering within the street

right-of-way. A condition of approval has been added to prohibit backing movements or other maneuvering within a street right-of-way.

*(7) Service drives to off-street parking areas shall be designed and constructed both to facilitate the flow of traffic and to provide maximum safety for vehicles and pedestrians. The number of service drives shall be limited to the minimum that will accommodate anticipated traffic.*

**FINDING:** The Applicant is proposing one access point with no service drive. This standard does not apply.

*(8) Driveways shall have a minimum vision clearance area framed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points 30 feet from their intersection.*

**FINDING:** Planning Commission found that the Applicant did not meet the burden of proof adequately providing details showing the clear vision area at the driveway intersection and SE Juniper Canyon Rd.

*(9) The standards set forth in the table that follows shall be the minimum for parking lots approved under this title (all figures are in feet except as noted).*

<i>a</i> Parking Angle	<i>b</i> Stall Width	<i>c</i> Stall to Curb (19' Long Stall)	<i>d</i> Aisle Width	<i>e</i> Curb Length Per Car	<i>f</i> <sup>1</sup>	<i>f</i> <sup>2</sup>
90°	8'6"	19.0	25.0*	8.5	63.0	--

**FINDING:** The Planning Commission did not discuss the details regarding the design of the parking lot. The Applicant is proposing all parking stalls be 20 feet long and 9 feet wide, which meets the 90° parking angle standard as outlined above. This standard is met.

**Chapter 18.160 Conditional Uses**

**18.160.010 Authorization to grant or deny conditional uses.**

*A conditional use listed in this title shall be permitted, altered or denied in accordance with the standards and procedures of this title and this chapter by action of the planning director or planning commission. In the case of a use existing prior to the effective date of the ordinance codified in this title and classified in this title as a conditional use, a change in use or in lot area or an alteration of structure shall conform with the requirements for a conditional use.*

**FINDING:** The conditional use proposal is for a new use and is being heard before the Planning Commission in accordance with the standards and provisions as specified in the Crook County Code.

**18.160.020 General criteria.**

*In judging whether or not a conditional use proposal shall be approved or denied, the planning director or planning commission shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:*

*(1) The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies and regulations of the county.*

**FINDING:** Planning Commission found that the Applicant has not met the burden of proof addressing the criteria regarding the proposal as being consistent with the comprehensive plan and the objectives of the zoning ordinance.

The Narrative states, "Based on the applicant's research, the only applicability of the comprehensive plan to this site is the recreational use, which is the purpose of this Conditional Use Permit" (pg. 16).

The Planning Commission found the material in record lacking and the Applicant had not met the burden of proof to meet the standard for establishing the commercial activity is directly related to recreation as required to comply with Crook County Zoning Code.

*(2) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.*

**FINDING:** The Planning Commission found that the location, size, design and operational characteristics of the proposal would have adverse impacts compared to the impact of outright permitted development. Commissioners discussed each of the components listed in the standard analyzing them with the application materials, exhibits and testimony in the record.

The Commissioners decided that the proposal would have more than a minimal adverse impact on the abutting properties and surrounding area. They considered the location of the proposal, the size of the parcel and size of the proposed improvements to the site, the operational characteristics of the proposal and determined that in addition to other factors that the largest impact would be from lighting and traffic. The Commissioners also noted that many of the exhibits and testimony included concerns with those and identified them as having an impact.

The Planning Commission found that the Applicant had failed to meet the burden of proof showing how the proposal was related to recreation and therefore is not an allowed or conditional use in the zone.

*(3) The location and design of the site and structures for the proposal will be as*



*attractive as the nature of the use and its setting warrant.*

**FINDING:** Planning Commission found that the Applicant did not meet the burden of proof addressing the criteria regarding the location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrant. Many exhibits spoke to the rural area, specifically concerning lighting. The Applicant provided a plot plan identifying the location and design of the site and stated that the development is intentionally located in the center of the site to minimize impact to surrounding properties. In the final argument, the Applicant stated lights in the parking lot would remain on for safety reasons. Lighting is addressed in the conditions of approval.

*(4) The proposal will preserve assets of particular interest to the county.*

**FINDING:** The Planning Commission found that the Applicant does not identify any assets of particular interest to the county or suggest how the proposal will preserve those assets. The Planning Commission finds that the Applicant failed to meet the burden of proof showing how the proposal would preserve assets of particular interest to the county.

*(5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.*

**FINDING:** The Planning Commission found that the Applicant met this this criterion in that the Narrative states: "The applicant intends to develop and use the land as proposed." (pg. 17)

**18.160.030 General conditions.**

*In addition to the standards and conditions set forth in a specific zone, this chapter, and other applicable regulations, in permitting a new conditional use or the alteration of an existing conditional use, the planning director or planning commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the county as a whole. These conditions may include the following:*

- (1) Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.*
- (2) Establishing a special yard or other open space or lot area or dimension.*
- (3) Limiting the height, size or location of a building or other structure.*
- (4) Designating the size, number, location and nature of vehicle access points.*
- (5) Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.*

*(6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or loading area.*

*(7) Limiting or otherwise designating the number, size, location, height and lighting of signs.*

*(8) Limiting the location and intensity of outdoor lighting and requiring its shielding.*

*(9) Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.*

*(10) Designating the size, height, location and materials for a fence.*

*(11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.*

*(12) Other conditions necessary to permit the development of the county in conformity with the intent and purpose of this title and the policies of the comprehensive plan.*

**FINDING:** The Planning Commission found that the Applicant had failed to meet the burden of proof showing how the proposal was related to recreation and therefore is not an allowed or conditional use in the zone.

Commissioners noted that restrictions for time and activity would vary with each proposal that would come before them and depending upon the nature of the use they would consider limiting the way in which, a use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

***18.160.040 Permit and improvements assurance.***

*The commission may require an applicant to furnish the county with an agreement and security in accordance with CCC 17.40.080 and 17.40.090 that the planning director or planning commission deems necessary to guarantee development in accordance with the standards established and the conditions attached in granting a conditional use permit.*

**FINDING:** The Planning Commission found it not necessary to require the Applicant to enter into an agreement and security with the County to guarantee development in accordance with the standards established and the conditions attached in granting a conditional use permit.

***18.160.050 Standards governing conditional uses.***

*A conditional use shall comply with the standards of the zones in which it is located and with the standards and conditions set forth in this section.*

*(10) Commercial Use or Accessory Use Not Wholly Enclosed Within a Building, Retail*

*Establishment, Office, Service Commercial Establishment, Financial Institution or Personal or Business Service Establishment on a Lot Abutting or Across the Street from a Lot in a Residential Zone. In any zone, a commercial use or accessory use not wholly enclosed within a building or a retail establishment, office, service commercial establishment, financial institution, or personal or business service establishment on a lot abutting or across the street from a lot in a residential zone may be permitted as a conditional use subject to the following standards:*

*(a) A sight-obscuring fence of evergreen hedge may be required by the planning director or planning commission when, in the director's or its judgment, such a fence or hedge or combination thereof is necessary to preserve the values of nearby properties or to protect the aesthetic character of the neighborhood or vicinity.*

**FINDING:** The Planning Commission found that the Applicant had failed to meet the burden of proof showing how the proposal was related to recreation and therefore is not an allowed or conditional use in the zone. The Applicant proposed a 6-foot wooden fence along the property boundaries abutting residential properties and the Planning Commission discussed the need for screening residential properties.

*(b) In addition to the requirements of the applicable zone, the planning director or planning commission may further regulate the placement and design of signs and lights in order to preserve the values of nearby properties; to protect them from glare, noise or other distractions; or to protect the aesthetic character of the neighborhood or vicinity.*

**FINDING:** The Planning Commission decided that signage and lights would be regulated, including the placement and design in order to preserve the values of nearby properties.

*(c) In order to avoid unnecessary traffic congestion and hazards, the planning director or planning commission may limit access to the property.*

**FINDING:** The Planning Commission talked about traffic congestion, however, not limiting access.

**18.160.060 Procedure for taking action on conditional use application.**

*See Chapter 18.172 CCC for the procedure for taking action on a conditional use application.*

**FINDING:** The process for taking action on this conditional use application will be in accordance with Chapter 18.172.

**18.160.070 Permit expiration dates.**

*Permit expiration dates and permit extensions for conditional uses are as stated in CCC 18.172.060.*

**FINDING:** Permit expiration dates and permit extensions for conditional uses are as stated in CCC

18.172.060.

**18.160.080 Occupancy permit.**

*The planning director or planning commission may require an occupancy permit for any conditional use permitted and approved pursuant to the provisions of this title. The planning director or planning commission shall consider such a requirement for any use authorized by a conditional use permit for which this title requires on-site or off-site improvements or where such conditions have been established by the planning director or planning commission upon approval of such use. The requirement of an occupancy permit shall be for the purpose of ensuring permit compliance and an occupancy permit shall not be issued except as set forth by the planning director or planning commission. The authority to issue an occupancy permit upon compliance with the requirements and conditions of a conditional use permit may be delegated by the planning director or planning commission at the time of approval of a specific conditional use permit to the planning director and/or the building official.*

**FINDING:** The development shall require an occupancy permit issued signed by the Planning Director and Building Official prior to the beginning of operations.

**18.176.010 Access management standards.**

**18.176.010 Access management standards.**

*(1) Purpose and Intent. This section implements the street access policies of the Crook County transportation system plan. It is intended to promote safe vehicle access and egress to properties, while maintaining traffic operations in conformance with adopted standards. "Safety," for the purposes of this chapter, extends to all modes of transportation.*

**FINDING:** The Planning Commission acknowledged the concern for traffic safety, in particular at the proposed access as was a concern included in many of the exhibits. Exhibits 3, 13, 14, 19, 20, 30, 38, 44, 47, 52, 63, 64, 77. Exhibit 10 expressed concern regarding additional foot traffic associated with the proposal. At this time there are no sidewalks along SW Juniper Canyon Rd and the Applicant is not proposing any improvements or connectivity for pedestrian access. Exhibit 31 expressed safety concerns with left turn movements from Juniper Canyon Rd. The Narrative states, "1. It is the intention of the applicant to provided safe vehicular access to and from the property to the maximum extent possible." (pg. 28).

The Planning Commission's discussion regarding traffic and impacts included the access, left hand turn lanes, maneuverability of larger vehicles and vehicles towing boats or recreational vehicles. They also discussed the current substandard shoulders and pedestrian safety on Juniper Canyon. Further information would need to be provided from the applicant to determine compliance or conditions of approval.

*(2) Traffic Impact Analysis Requirements. The county, in reviewing a development proposal or other action requiring an approach permit, may require a traffic impact analysis, pursuant to subsection (3) of this section, to determine compliance with this code.*

**FINDING:** The Planning Commission did not spend a significant amount of time discussing the submitted Traffic Impact Analysis. They found the Applicant failed to meet the burden of proof to meet the criteria for a conditional use. They generally agreed with Transight Consulting LLC's review of the Applicant's TIA and is further addressed in 18.180.010.

*(3) Approach and Driveway Development Standards. Approaches and driveways shall conform to all the following development standards:*

*(a) The number of approaches on higher classification streets (e.g., collector and arterial streets) shall be minimized; where practicable, access shall be taken first from a lower classification street.*

*(b) Approaches shall conform to the spacing standards of subsections (4) and (5) of this section, and shall conform to minimum sight distance and channelization standards of the roadway authority.*

**FINDING:** The Planning Commission did not address the access and approach. The Applicant requested an exemption without additional information.

*(c) The county roadmaster may limit the number or location of connections to a street, or limit directional travel at an approach to one-way, right-turn only, or other restrictions, where the roadway authority determines that mitigation is required to alleviate safety or traffic operations concerns.*

*(d) Where the spacing standards of the roadway authority limit the number or location of connections to a street or highway, the county roadmaster may require a driveway extend to one or more edges of a parcel and be designed to allow for future extension and inter-parcel circulation as adjacent properties develop. The county roadmaster may also require the owner(s) of the subject site to record an access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s).*

*(e) Where applicable codes require emergency vehicle access, approaches and driveways shall be designed and constructed to accommodate emergency vehicle apparatus and shall conform to applicable fire protection requirements. The county roadmaster may restrict parking, require signage, or require other public safety improvements pursuant to the recommendations of an emergency service provider.*

*(f) As applicable, approaches and driveways shall be designed and constructed to accommodate truck/trailer-turning movements.*

*(g) Where an accessible route is required pursuant to Americans with Disabilities Act (ADA), approaches and driveways shall meet accessibility requirements where they coincide with an accessible route.*

*(h) The county roadmaster may require changes to the proposed configuration and design of an approach, including the number of drive aisles or lanes, surfacing, traffic-calming features, allowable turning movements, and other changes or mitigation, to ensure traffic safety and operations.*

*(i) Where a new approach onto a state highway or a change of use adjacent to a state highway requires ODOT approval, the applicant is responsible for obtaining ODOT approval.*

*(j) Where an approach or driveway crosses a drainage ditch, canal, railroad, or other feature that is under the jurisdiction of another agency, the applicant is responsible for obtaining all required approvals and permits from that agency prior to commencing development.*

*(k) Where a proposed driveway crosses a culvert or drainage ditch, county roadmaster may require the developer to install a culvert extending under and beyond the edges of the driveway on both sides of it, pursuant to applicable public works/engineering design standards.*

*(l) Except as otherwise required by the applicable roadway authority or waived by the county roadmaster, temporary driveways providing access to a construction site or staging area shall be paved or graveled to prevent tracking of mud onto adjacent paved streets.*

**FINDING:** The Planning Commission agreed with Transight Consulting comments, "My concern is having RVs and trucks with boat trailers pulling into the substandard shoulder." and " My primary concern is area safety, particularly with the types of vehicles and tourists that this area caters to." Further information and details would need to be reviewed to alleviate safety or traffic operations concerns.

*(4) Approach Separation from Street Intersections. Except as provided by subsection (6) of this section, the following minimum distances shall be maintained between approaches and street intersections, where distance is measured from the edge of an approach surface to the edge of the roadway at its ultimate designated width:*

*(a) On an arterial street: one mile, except as required by ODOT, pursuant to Oregon Administrative Rule (OAR) 734-051, for state highways.*

*(b) On a major collector street: one-half mile.*

*(c) On a minor collector street: one-quarter mile.*

*(d) On a local street: 150 feet.*

*(5) Approach Spacing. Except as provided by subsection (6) of this section or as required to maintain street operations and safety, the following minimum distances shall be maintained between approaches, where distance is measured from the edge of one approach to the edge of another:*

*(a) On an arterial street: 1,200 feet based on speed limit or posted speed, as applicable, except as otherwise required by ODOT for a state highway, pursuant to Oregon Administrative Rules (OAR) 734-051.*

*(b) On a major collector street: 500 feet.*

*(c) On a minor collector street: 300 feet.*

*(d) On a local road: access to each lot permitted.*

*(6) Exceptions and Adjustments. The county roadmaster may approve adjustments to the spacing standards in subsections (4) and (5) of this section, where an existing connection to a county road does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance. The county roadmaster may also approve a deviation to the spacing standards on county roads where it can be demonstrated that mitigation measures, such as consolidated access (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right-in/right-out only), or other mitigation alleviate all traffic operations and safety concerns.*

**FINDING:** The Planning Commission did not address the Applicant's request for an exception. The Applicant would need to submit an addendum to the TIA to demonstrate how they meet the criteria for an exception, adjustment or deviation to the spacing standard.

*(7) Joint Use Access Easement and Maintenance Agreement. Where the county approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the county for its records, but the county is not responsible for maintaining the driveway or resolving any dispute between property owners.*

**FINDING:** The proposal does not include joint access. The above criterion does not apply.

*18.180.010 Transportation impact analysis.*

*(1) Purpose. The purpose of this section is to coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2) of the state Transportation Planning Rule, which requires the county to*

*adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts, when a transportation impact analysis or transportation assessment letter must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities, the required contents of a transportation impact analysis and transportation assessment letter, and who is qualified to prepare the analysis.*

*(2) When a Transportation Impact Analysis Is Required. The county or other road authority with jurisdiction may require a transportation impact analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:*

*(a) The development generates 25 or more peak-hour trips or 250 or more daily trips.*

*(b) An access spacing exception is required for the site access driveway(s) and the development generates 10 or more peak-hour trips or 100 or more daily trips.*

*(4) Preparation of a TIA or TAL. A professional engineer registered by the state of Oregon, in accordance with the requirements of the road authority, shall prepare the TIA or TAL. If preparing a TIA, the content and methodologies of the analysis shall conform to the requirements of subsections (5) to (13) of this section.*

*(5) Contents of a Transportation Impact Analysis. As a guide in the preparation of a transportation impact analysis, Crook County recommends the following format be used to document the analysis:*

*(a) Table of Contents. Listing of all sections, figures, and tables included in the report.*

*(b) Executive Summary. Summary of the findings and recommendations contained within the report.*

*(c) Introduction. Proposed land use action, including site location, building square footage, and project scope. Map showing the proposed site, building footprint, access driveways, and parking facilities. Map of the study area, which shows site location and surrounding roadway facilities.*

*(d) Existing Conditions. Existing site conditions and adjacent land uses. Roadway characteristics (all transportation facilities and modal opportunities located within the study area, including roadway functional classifications, street cross section descriptions, posted speeds, bicycle and*



*pedestrian facilities, on-street parking, and transit facilities). Existing lane configurations and traffic control devices at the study area intersections. Existing traffic volumes and operational analysis of the study area roadways and intersections. Roadway and intersection crash history analysis.*

*(e) Background Conditions (without the proposed land use action). Approved developments and funded transportation improvements in the study area. Traffic growth assumptions. Addition of traffic from other planned developments. Background traffic volumes and operational analysis.*

*(f) Full Build-Out Traffic Conditions (with the proposed land use action). Description of the proposed development plans. Trip-generation characteristics of the proposed development (including trip reduction documentation). Trip distribution assumptions. Full build-out traffic volumes and intersection operational analysis. Intersection and site-access driveway queuing analysis. Expected safety impacts. Recommended roadway and intersection mitigations (if necessary).*

*(g) Site Circulation Review. Evaluate internal site access and circulation. Review pedestrian paths between parking lots and buildings. Ensure adequate throat depth is available at the driveways and that vehicles entering the site do not block the public facilities. Review truck paths for the design vehicle.*

*(h) Turn Lane Warrant Evaluation. Evaluate the need to provide turn lanes at the site driveways.*

*(i) Conclusions and Recommendations. Bullet summary of key conclusions and recommendations from the transportation impact analysis.*

*(j) Appendix. Traffic counts summary sheets, crash analysis summary sheets, and existing/background/full build-out traffic operational analysis worksheets. Other analysis summary sheets such as queuing and signal warrant analyses.*

*(k) Figures. The following list of figures should be included in the transportation impact analysis: site vicinity map; existing lane configurations and traffic control devices; existing traffic volumes and levels of service (all peak hours evaluated); future year background traffic volumes and levels of service (all peak hours evaluated); proposed site plan; future year assumed lane configurations and traffic control devices; estimated trip distribution pattern; site-generated traffic volumes (all peak hours evaluated); full build-out traffic volumes and levels of service (all peak hours evaluated).*

*(6) Study Area. The study area shall include, at a minimum, all site-access points and intersections (signalized and unsignalized) adjacent to the proposed site. If the*

*proposed site fronts an arterial or collector street, the study shall include all intersections along the site frontage and within the access spacing distances extending out from the boundary of the site frontage. Beyond the minimum study area, the transportation impact analysis shall evaluate all intersections that receive site-generated trips that comprise at least 10 percent or more of the total intersection volume. In addition to these requirements, the county roadmaster (or designee) shall determine any additional intersections or roadway links that might be adversely affected as a result of the proposed development. The applicant and the county roadmaster (or designee) will agree on these intersections prior to the start of the transportation impact analysis.*

**FINDING:** The Applicant had multiple preapplication meetings with staff including the county roadmaster at the time. The TIA includes a study area which includes the above standards.

*(7) Study Years to Be Analyzed in the Transportation Impact Analysis. A level-of-service analysis shall be performed for all study roadways and intersections for the following horizon years:*

*(a) Existing Year. Evaluate all existing study roadways and intersections under existing conditions.*

*(b) Background Year. Evaluate the study roadways and intersections in the year the proposed land use is expected to be fully built out, without traffic from the proposed land use. This analysis should include traffic from all approved developments that impact the study intersections, or planned developments that are expected to be fully built out in the horizon year.*

*(c) Full Build-Out Year. Evaluate the expected roadway, intersection, and land use conditions resulting from the background growth and the proposed land use action assuming full build-out and occupancy. For phased developments, an analysis shall be performed during each year a phase is expected to be completed.*

*(d) Twenty-Year Analysis. For all land use actions requesting a comprehensive plan amendment and/or a zone change, a long-term level-of-service analysis shall be performed for all study intersections assuming build-out of the proposed site with and without the comprehensive plan designation and/or zoning designation in place. The analysis should be performed using the future year traffic volumes identified in the transportation system plan (TSP). If the applicant's traffic engineer proposes to use different future year traffic volumes, justification for not using the TSP volumes must be provided along with documentation of the forecasting methodology.*

*(8) Study Time Periods to Be Analyzed in the Transportation Impact Analysis. Within each horizon year, a level-of-service analysis shall be performed for the time*

*period(s) that experience the highest degree of network travel. These periods typically occur during the midweek (Tuesday through Thursday) morning (7:00 a.m. to 9:00 a.m.), midweek evening (4:00 p.m. to 6:00 p.m.), and Saturday afternoon (12:00 p.m. to 3:00 p.m.) periods. The transportation impact analysis should always address the weekday a.m. and p.m. peak hours when the proposed lane use action is expected to generate 25 trips or more during the peak time periods. If the applicant can demonstrate that the peak-hour trip generation of the proposed land use action is negligible during one of the two peak study periods and the peak trip generation of the land use action corresponds to the roadway system peak, then only the worst-case study period need be analyzed. Depending on the proposed land use action and the expected trip-generating characteristics of that development, consideration of non-peak travel periods may be appropriate. Examples of land uses that have nontypical trip-generating characteristics include schools, movie theaters, and churches. The roadmaster (or his/her designee) and applicant should discuss the potential for additional study periods prior to the start of the transportation impact analysis.*

*(9) Traffic Count Requirements. Once the study periods have been determined, turning movement counts should be collected at all study area intersections to determine the base traffic conditions. These turning movement counts should typically be conducted during the weekday (Tuesday through Thursday) between 7:00 and 9:00 a.m. and between 4:00 and 6:00 p.m., depending on the proposed land use. Historical turning movement counts may be used if the data are less than 12 months old, but must be factored to meet the existing traffic conditions.*

*(10) Trip Generation for the Proposed Development. To determine the impacts of a proposed development on the surrounding transportation network, the trip-generating characteristics of that development must be estimated. Trip-generating characteristics should be obtained from one of the following acceptable sources:*

*(a) Institute of Transportation Engineers (ITE) Trip Generation Manual (latest edition).*

*(b) Specific trip generation studies that have been conducted for the particular land use action for the purposes of estimating peak-hour trip-generating characteristics. The roadmaster (or his/her designee) should approve the use of these studies prior to their inclusion in the transportation impact analysis.*

*(c) In addition to new site-generated trips, several land uses typically generate additional trips that are not added to the adjacent traffic network. These trips include pass-by trips and internal trips and are considered to be separate from the total number of new trips generated by the proposed development. The procedures listed in the most recent version of the Trip Generation Handbook (ITE) should be used to account for pass-by and internal trips.*

*(11) Trip Distribution. Estimated site-generated traffic from the proposed development should be distributed and assigned on the existing or proposed arterial/collector street network. Trip distribution methods should be based on a reasonable assumption of local travel patterns and the locations of off-site origin/destination points within the site vicinity. Acceptable trip distribution methods should be based on one of the following procedures:*

*(a) An analysis of local traffic patterns and intersection turning movement counts gathered within the previous 12 months.*

*(b) A detailed market study specific to the proposed development and surrounding land uses.*

*(12) Intersection Operation Standards. Crook County evaluates intersection operational performance based on levels of service and "volume-to-capacity" (v/c) ratio. When evaluating the volume-to-capacity ratio, the total traffic demand shall be considered.*

*(a) Intersection Volume-to-Capacity Analysis. A capacity analysis should be performed at all intersections within the identified study area. The methods identified in the latest edition of the Highway Capacity Manual, published by the Transportation Research Board, are to be used for all intersection capacity calculations. Crook County requires that all intersections within the study area must maintain a v/c ratio of 0.95 or less. It should be noted that the mobility standards in the Oregon Highway Plan apply to Oregon Department of Transportation facilities.*

*(b) Intersection Levels of Service. Crook County requires all intersections within the study area to maintain an acceptable level of service (LOS) upon full build-out of the proposed land use action. LOS calculations for signalized intersections are based on the average control delay per vehicle, while LOS calculations for unsignalized intersections are based on the average control delay and volume-to-capacity ratio for the worst or critical movement. All LOS calculations should be made using the methods identified in the most recent version of the Highway Capacity Manual (or by field studies), published by the Transportation Research Board. The minimum acceptable level of service for signalized intersections is LOS "D." The minimum acceptable level of service for all-way stop controlled intersections and roundabouts is LOS "D." The minimum acceptable level of service for unsignalized two-way stop controlled intersections is LOS "E" or LOS "F" with a v/c ratio of 0.95 or less for the critical movement. Any intersections not operating at these standards will be considered to be unacceptable.*

*(13) Review Policy and Procedure. The following criteria should be used in reviewing a transportation impact analysis as part of a subdivision or site plan review:*

*(a) The road system is designed to meet the projected traffic demand at full build-out.*

*(b) Adequate intersection and stopping sight distance is available at all driveways.*

*(c) Proposed driveways meet the county's access spacing standards in Chapter 18.176 CCC, Access Management Standards, or sufficient justification is provided to allow a deviation from the spacing standard.*

*(d) Opportunities for providing joint or crossover access have been pursued.*

*(e) The site does not rely upon the surrounding roadway network for internal circulation.*

*(f) The road system provides adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.*

*(g) A pedestrian path system is provided that links buildings with parking areas, entrances to the development, open space, recreational facilities, and other community facilities consistent with the requirements of CCC 18.184.010, Pedestrian access and circulation.*

*(14) Conditions of Approval. In approving an action that requires a traffic impact study, the county may condition approval to ensure that the proposed application will meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of approval may include, but are not limited to:*

*(a) Crossover easement agreements for all adjoining parcels to facilitate future access between parcels.*

*(b) Conditional access permits for new developments which have proposed access points that do not meet the designated access spacing policy and/or have the ability to align with opposing access driveways.*

*(c) Right-of-way dedications for future planned roadway improvements.*

*(d) Half-street improvements along site frontages that do not have full build-out improvements in place at the time of development.*

**FINDING:** The Planning Commission did not review the details contained within the TIA or if additional conditions of approval were needed to ensure that the proposed application would meet operations and safety standards and provide the necessary right-of-way and improvements

to develop the future planned transportation system.

Commissioners noted that they agreed with Transight Consulting's review of the TIA and further information would be required from the Applicant including information below.

- The Applicant shall submit a site plan which has been reviewed by a traffic engineer.
- The revised site plan shall show a single-lane egress.
- The Applicant shall provide an addendum to the TIA that addresses the internal site maneuvering including the northern parking module.

V. **DECISION:**

The Planning Commission voted to deny the application:

<u>6</u>	<u>Deny</u>
<u>0</u>	<u>Approve</u>
<u>0</u>	<u>Abstain</u>

VI. **CONDITIONS OF APPROVAL**

1. Signage shall be approved through the site plan review process and shall comply with CCC 18.40.060(1)-(2). The proposed pole sign shall not interfere with visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection. The proposed sign shall not cause glare, distraction or other driving hazards within a street or road right-of-way. The proposed signs shall not shine directly upon a residential dwelling or otherwise create a nuisance. Sign restrictions include no internal illumination, no uplighting, no flashing or scrolling electronic components. The sign shall be a ground mounted with no internal illumination, down cast light illuminating the face only.
2. A grading and drainage plan will be required to be submitted at the time of site plan application. The grading and drainage plan will prevent or minimize erosion and destruction of natural vegetation.
3. The Applicant shall submit a site plan including the retail floor square footage shall recalculate the off-street parking.
4. The Applicant shall submit a site plan including bicycle parking design and shall consist of staple-design steel racks or other county-approved racks, lockers, or storage bins providing a safe and secure means of storing a bicycle.
5. A The Applicant shall submit a site plan providing greater detail of the distance from the public entrance to the proposed bicycle parking including.
6. The Applicant shall submit a site plan providing greater detail of the proposed bicycle parking to not impede or create a hazard to pedestrians or vehicles and shall be located so as to not conflict with the vision clearance standards of this code.
7. The Applicant shall provide the information regarding the distribution of merchandise

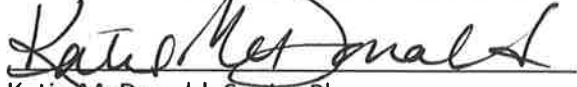
including how the parking area will be utilized during hours when the public is not using the parking area at the time of site plan review.

8. It is the continuing obligation of the property owner for the provisions and maintenance of off-street parking and loading spaces.
9. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees only and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
10. The Applicant shall submit a site plan showing dustless gravel surface area for larger vehicles to maneuver adjacent to the recreational vehicle parking area.
11. The perimeter buffer shall consist of a fence at least six foot high and be a sight obscuring wooden fence.
12. The parking lot design including specific design of a bumper rail or curb must comply with 18.128.030(3).
13. Any artificial lighting shall not shine or create glare in any residential zone or on any adjacent dwelling.
14. The Applicant shall provide an addendum to the TIA which addresses pedestrian paths between parking lots and buildings and ensure adequate throat depth is available at the driveways and that vehicles entering the site do not block the public facilities. Review truck paths for the designated vehicles.
15. The Applicant shall submit additional information addressing the criteria in 18.180.010(13).
16. The Applicant shall submit an addendum to the TIA which will demonstrate how they meet the criteria for and exception, adjustment, or deviation to the spacing standard.
17. There will be no backing movements or other maneuvering within a street right-of-way.
18. The Applicant shall submit a site plan showing the clear vision area.
19. The development shall require an occupancy permit issued signed by the Planning Director and Building Official prior to the beginning of operations.
20. The site shall conform with the Fire Wise guidelines.

Dated this 26th day of June 2024.



Michael Warren Planning Commission Chair



Katie McDonald, Senior Planner

Crook County Planning Department

The above denial may be appealed in writing to the Crook County Court no later than 4:00 pm on July 9, 2024 (twelve calendar days from the effective date of this approval) on payment of the required appeal fee. The appellant must also provide written transcripts of the relevant meeting tapes at the appellant's expense.

Appeals must be submitted to the Crook County Planning Department, 300 NE 3rd Street, Prineville, OR, and must be received together with the appeal fee by the Planning Department no later than the above time and date.

cc: Applicant/Agent

Crook County Departments  
Crook County Fire and Rescue  
Parties of Record