

## **BURDEN OF PROOF FOR CONDITIONAL USE APPLICATION**

**Summary of Proposal:** This conditional use application is being submitted and processed with a concurrent application for a zoning map amendment to change the zoning on the subject property from R-1 to R-2. Thus, the burden of proof is written with the expectation that the zoning map amendment will be granted. The conditional use permit application seeks approval for a private school and necessary accessory uses. Private schools are permitted in the R-2 zone subject to a Type II review.

The proposed conditional use will include private day care for approximately 50 to 60 children and a private school for between 120 and 130 students from pre-school to 12<sup>th</sup> grade. The daycare component is expected to operate between 6:00 a.m. and 6:00 p.m. and will be year-round. The private school will operate between 7:30 a.m. and 3:30 p.m. for 9 months each year.

The applicant will have approximately nine staff members for the day care operation and 20 teachers and other staff members for the private pre-school to 12<sup>th</sup> grade school. There is one full-time janitor.

### **153.035-Use Table for R-2 Zone.**

#### **APPLICANT'S RESPONSE:**

The use table for the R zones recites the public or private schools, including uses essential to the operation thereof are permitted subject to a Type II review. The applicant is submitting a conditional use application to be processed under a Type II review.

### **153.046 General Residential R-2 Zone.**

In an R-2 Zone, the following regulations shall apply:

- (A) *Purpose.* It is the purpose of the R-2 Zone to provide for residential areas which permit a mixture of a variety of housing types at various densities in a more planned type of development design, including a minimum of nonresidential commercial convenience and service type uses in more accessible proximities for the purposes of providing for conveniences and services to the dominant intended residential users of the area.

#### **APPLICANT'S RESPONSE:**

If the zone change application is approved, allowing a private school under a conditional use permit is consistent with the purpose of the R-2 zone. Private schools are listed as one of the uses allowed in the zone under a conditional use permit. Further, the school provides a community service that is needed, and the property is located centrally to allow the school to provide services that are convenient to students and parents in Prineville. In addition, although no residential uses are sought at this time, there is property on the subject site that is appropriate for future development of a variety of housing. This criterion is met.

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

**APPLICANT’S RESPONSE:**

PMC 153.083 does not include any specific conditions for a private school in the R-2 zone.

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

**APPLICANT’S RESPONSE:**

PMC 153.020(C) contains an exemption for existing structures where exterior remodeling and/or expansion of a use does not exceed 25% of the total square footage (including upper floors) of all structures on a specific lot or parcel under unit ownership. In that case only the site design evaluation criteria in subsection (G)(2) of this section must be met. The applicant submits that its proposed alterations meet the standards in that section. This criterion does not apply.

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

**APPLICANT’S RESPONSE:**

Pursuant to PMC 153.085(D) there are no specific parking requirements in the R-2 Zone: “(1) *R-1, R-2, R-3 and R-4 Zones* (a) No specific requirements; the number of spaces required are listed in the table below; spaces shall meet city standards.” Nonetheless, the applicant submits that the subject property was operated as a hospital that as such already has parking lots that will accommodate all anticipated vehicles coming to the school. There is more than adequate parking for all staff members and infrequent parent visits. Most of the students do not drive their own vehicles. This criterion is or can be met.

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

**APPLICANT’S RESPONSE:**

The applicant acknowledges this criterion and is prepared to comply with all applicable landscape requirements. As noted, the site is developed and areas with landscape exist. The applicant already plans to restore and enhance some of the existing landscaped areas. This criterion can be met.

(F) *Streets and public facilities.* When design review is required, streets and public facilities shall be required in accordance with § 153.194 and the City’s Standards and Specifications. These improvements include but are not limited to right-of-way dedication, streets, storm water management, sidewalks, water lines, sewer lines, access management and the like.

**APPLICANT'S RESPONSE:**

The applicant's traffic impact study supports a finding that the existing transportation facilities are adequate, and no improvements are required to mitigate impacts of the proposed conditional use. This criterion is met.

- (G) *Chapter 155, Natural Features Overlay District (NFOD) and Slope Hazard Requirements.* This chapter contains provisions for the protection of riparian areas, wetlands, rimrock, Barnes Butte and construction on steep slopes.

**APPLICANT'S RESPONSE:**

There are no natural features on the site. This criterion is not applicable.

- (H) *Minimum sidewalk requirements.* Whether replacing or required by design review, sidewalks shall be constructed to City Standards and Specifications. The minimum sidewalk width in an R-2 Zone is five feet, unless otherwise approved under § 153.194(V)(1).

**APPLICANT'S RESPONSE:**

There are existing sidewalks that the applicant submits are adequate for the proposal. If the city determines that sidewalk repairs are required, the applicant will make all required repairs. This criterion can be met.

- (I) *Signs.* In an R-2 Zone, signs are permitted in accordance with the provisions set forth in Chapter 152 as amended.

**APPLICANT'S RESPONSE:**

The applicant has no current plan for signs. It understands the standard and will comply with all sign requirements if signage is ever installed. This criterion can be met.

- (J) *Limitations on use.* No structure or land shall be occupied or used for any purpose which creates or causes to be created any public nuisance, including but not limited to excessive odor, dust, noise, vibration, flashing light or any hazard to the general health, safety and welfare of the area. Domestic livestock are permitted, but only in compliance with those provisions set forth in § 153.096. No animal is permitted to run at large, animals shall be confined to an individual owner's property. Any animals permitted to run at large are hereby declared a nuisance and may be abated as such.

**APPLICANT'S RESPONSE:**

The private Christian school proposed is a valuable asset to the community and not a nuisance or hazard. This criterion is met.

**153.137 Application For Conditional Use.**

A property owner or duly authorized agent may initiate a request for conditional use or the modification of an existing conditional use by filing an application with the city using forms prescribed therefor by the city. The standard application form shall be completed in its entirety and shall be accompanied by a site plan, drawn to scale, and showing the dimensions, arrangement and intended use of the proposed development. The application shall also be accompanied by a vicinity map showing the subject property, all properties within 100 feet and the names and addresses of all property owners within 100 feet as reported by the current County Assessor's records. If an application is submitted by any person or persons other than the property owner or authorized agent thereof, the application shall be jointly signed by the owner or agent, or there shall be submitted an accompanying certified statement from the owner or agent attesting to the knowledge and approval of the submittal. An application shall not be deemed complete unless accompanied by the required filing fee established by the City Council by ordinance or resolution.

**APPLICANT'S RESPONSE:**

The applicant has a leasehold interest in the property with an option to purchase. The property owner has authorized the conditional use application.

**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 the ordinance codified in this chapter, a change in use, enlargement or alteration of such use shall conform to the provisions of a conditional use if so classified. An application for a conditional use may be approved, modified, approved with conditions or denied by the designated reviewing authority.

- (A) A conditional use that is utilizing an existing building may be transferred to a new owner or user for the same type of use. Conditions of the approval shall still apply.
- (B) A conditional use that is utilizing an existing building may be transferred to a new owner or user for a similar type of impact as determined by the Planning Director. A change of use application shall be required and may be referred to the Planning Commission if one or more concerns are received or if three or more Commissioners believe the application warrants a Commission review.

**APPLICANT'S RESPONSE:**

The applicant acknowledges this criterion and understands the city's authority to grant or deny the application.

**153.136 Specific Conditions.**

That section does not have any specific conditions for a private school. 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.

**APPLICANT’S RESPONSE:**

As discussed above, PMC 153.083 sets forth the specific conditions that apply to various uses permitted in the R-2 Zone. Notwithstanding the above, the applicant acknowledges the city’s authority to impose additional conditions on the approval of a conditional use permit. The applicant submits that no additional conditions are necessary to ensure that the proposed use is compatible with the surrounding neighborhood. The proposal is to utilize an existing structure as a private school. The existing setbacks and height of the building are compatible with surrounding uses. The proposed use will operate during normal school hours and will not generate impacts beyond what can be expected of any use within the existing structure. The applicant’s traffic study demonstrates that the existing transportation facilities have capacity for the traffic generated by the proposed use and there will be no significant impact on the system. The proposal will not involve the removal of any existing trees.

May 18, 2023  
#01737

High Desert Academy  
PO Box 1453  
Prineville, OR 97756

Attn: Steven Gilday

917-258-8401  
paddyppadre@gmail.com

**re: Trip Generation Assessment for a Proposed Conditional Use; Prineville, Oregon**

## **INTRODUCTION AND SUMMARY OF FINDINGS**

The purpose of this report is to address the requirements of the City of Prineville for a proposed conditional use. The site is located in Prineville, Oregon, as shown in Figure 1. The project is related to four parcels, which are concurrently undergoing a zone change:

Taxlot: 141632CB00101 -- 2.54 acres  
Taxlot: 141632CB00100 -- 9.56 acres  
Taxlot: 141632CB01100 -- 0.21 acres  
Taxlot: 141632CB00102 -- 0.01 acres  
TOTAL = 12.32 acres.

The subject property is now located in an R-1 zone and there is a concurrent application to change the zone designation to R-2. School uses are conditional uses with the proposed zone. The purpose of this report is to address the traffic impact study requirements of the City of Prineville for the conditional application.

It was concluded herein that a traffic impact would not be required if a credit is taken for the previous hospital use.

## **LAND USE ASSUMPTIONS**

The 12.32 acre site is occupied by the former hospital building, which is about 65,000 square feet as well as a 12,636 square foot building which was previously used as a nursing home. The trip generation of these previous uses was considered for the purpose of establishing a trip credit.

The proposed conditional use will include private day care for approximately 50 to 60 children and a private school for between 120 and 130 students

from pre-school to 12th grade. The daycare component is expected to operate between 6:00 a.m. and 6:00 p.m. and will be year-round. The private school will operate between 7:30 a.m. and 3:30 p.m. for 9 months each year. There is a significant amount of remaining space in the buildings and bare land which could be developed at a later date.

**TRIP GENERATION FORECAST**

The 11<sup>th</sup> Edition of the *Trip Generation Manual* (ITE, 2021) was used to forecast trip generation.

For the proposed use, a combination of a Daycare Center, ITE land use code 565, and Private School (K-12), ITE land use code 532, were used to forecast traffic of the proposed operation. These rates are shown in Table 1.

For the existing displaced uses, a combination of Hospital, ITE Land Use Code 610, and Nursing Home, ITE Land Use Code 620, were used to estimate trips for the previous approved uses. These rates are also summarized in Table 1. For the hospital, regression equations were used to forecast traffic, since the correlation-coefficient ( $R^2$ ) was fairly good; and, importantly: the data in the range of this size hospital more closely fits the regression curve.

**Table 1 – ITE Trip Generation Rates**

ITE Land Use & Code	Ind. variable	Trip Ends Rate		In/Out Split	
		(trips per student or DU)		(percent)	
		PM Peak Hour	Daily	PM Peak Hour	Daily
Private School (K-12) 532	Students	0.17	2.48	43/57	50/50
Daycare Center 565	Students	0.79	4.09	47/53	50/50
Hospital 610	t.s.f.	regression equation		35/65	50/50
Nursing Home 620	t.s.f.	0.59	6.75	41/59	50/50

The resulting trip generation forecast for both the proposed uses and the previous uses are shown in Table 2. The regression equations take the following form:

PM Peak Hour Trip Generation:  $\ln(T) = 0.64 \ln(X) + 2.27$ ; and,  
 Daily Trip Generation:  $T = 5.29(X) + 3469.05$

where,

- T = Trip Generation
- X = the independent variable (thousands of square feet)

Solving for T, the resulting forecast was calculated, as shown in Table 2. This table also shows the total trip generation from the proposed use: 70 p.m. peak hour trips and 568 daily trips.

The trip generation for the previous uses, also shown in Table 2, was calculated to be total of 147 p.m. peak hour trips and 3,898 daily trips.

The incremental difference was calculated to be a net decrease of 78 p.m. peak hour trips and 3,300 daily trips.

**Table 2 – Incremental Trip Generation Forecast**

ITE Land Use	Size (units)	PM Peak Hour Trip Ends			Daily
		In	Out	Total	
Private School (K-12) 532	130 Students	10	13	22	322
Daycare Center 565	60 Students	22	25	47	245
<b>Total for Proposed Conditional Use</b>		<b>32</b>	<b>38</b>	<b>70</b>	<b>568</b>
Hospital 610	-65 t.s.f.	-49	-91	-140	-3,813
Nursing Home 620	-12,636 t.s.f.	-3	-4	-7	-85
<b>Total for Previous Uses</b>		<b>-52</b>	<b>-95</b>	<b>-147</b>	<b>-3,898</b>
<b>Net Change</b>		<b>-20</b>	<b>-58</b>	<b>-78</b>	<b>-3,300</b>

## CONCLUSIONS

Given that there would be a net decrease in trip generation, a more extensive Traffic Impact Analysis (TIA) would not be required by the City.

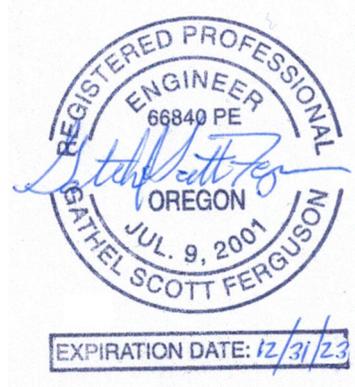
Consideration should be given to give the property a trip credit of 147 p.m. peak hour trips, of which 78 p.m. peak hour trips would remain after this development. These trips could be allocated towards other future development on the site using existing buildings. For example, a 200-student trade school was forecast to generate 22 p.m. peak hour trips (community collage trip rates); and, 10,000 square feet of office would generate 14 p.m. peak hour trips. In general, there is sufficient capacity with this level of trip credit for a significant amount of other uses on the site.

\* \* \* \* \*

Please feel free to contact us if you have any questions or comments on this letter-report.

Very truly yours,  
FERGUSON & ASSOCIATES, INC.

Scott Ferguson, PE  
Attachments: Figure 1



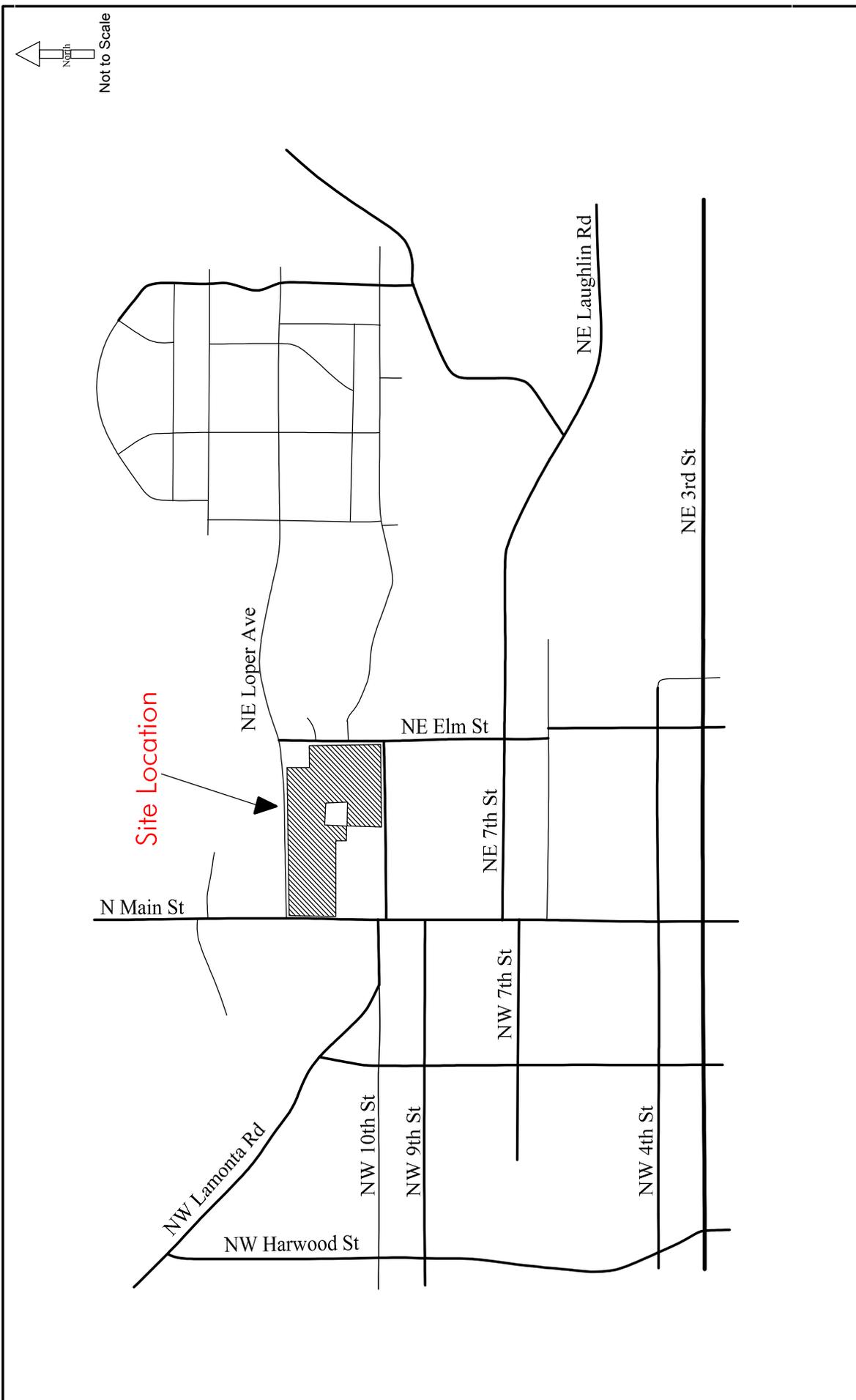
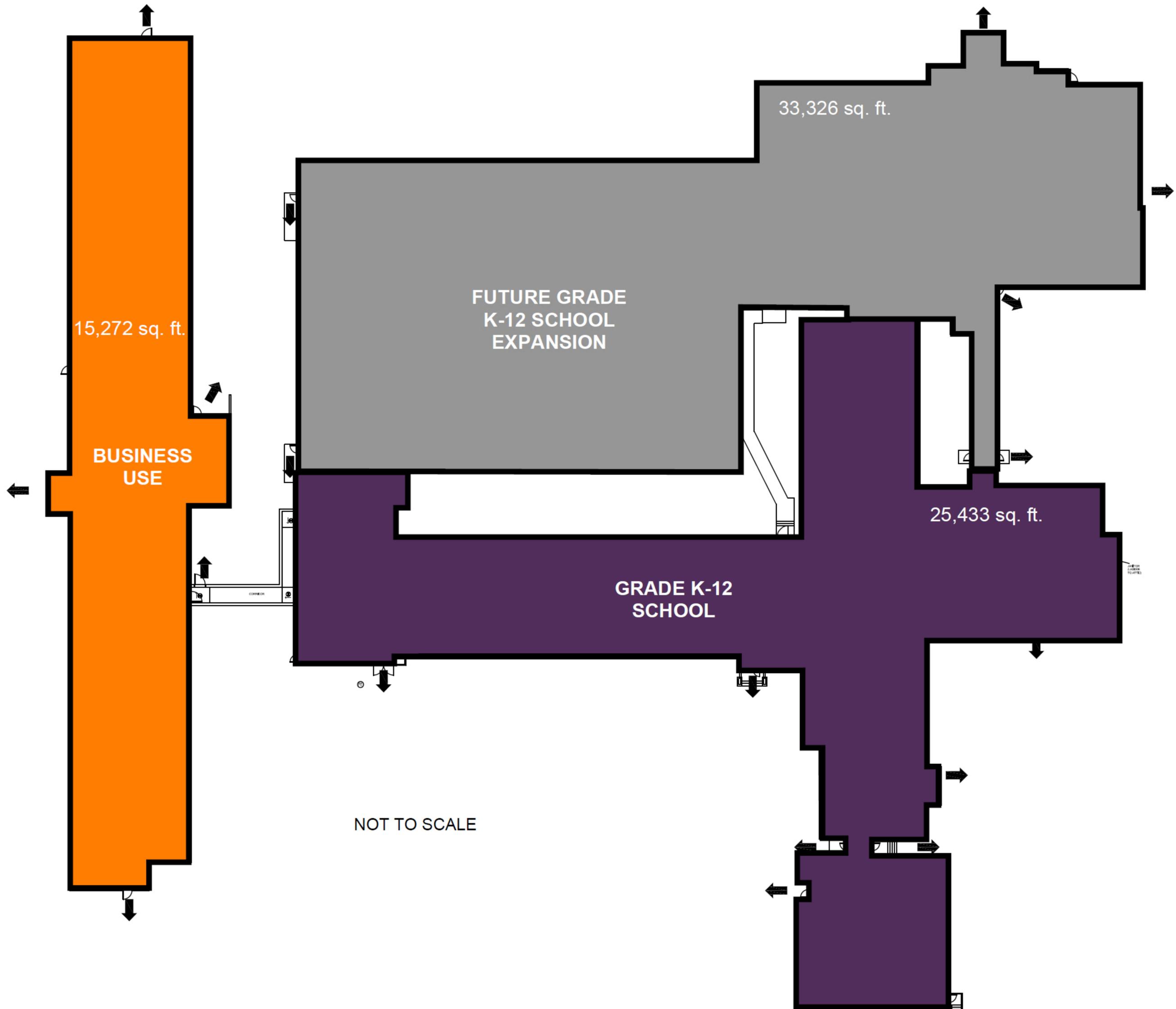


Figure 1

Ferguson & Associates, Inc.

Site Location  
 Prineville TPR Assessment - Prineville, Oregon





15,272 sq. ft.

BUSINESS USE

33,326 sq. ft.

FUTURE GRADE  
K-12 SCHOOL  
EXPANSION

25,433 sq. ft.

GRADE K-12  
SCHOOL

NOT TO SCALE



Elm Street Entrance Sign



Elm Street Monument Sign



Loper Street Entrance Sign



Loper Street Monument Sign



Elm Street Entrance Sign



Elm Street Monument Sign



Loper Street Entrance Sign