

## ORDINANCE NO. 1185

### AN ORDINANCE AMENDING SECTION 153.259.010(C) OF THE CODE OF PRINEVILLE AND READOPTING SECTIONS 31.15 AND 31.16 OF THE CODE OF PRINEVILLE

#### RECITALS:

A. The City has contracted with Code Publishing Company to update the Code of Prineville (hereafter "Code") including codifying ordinances passed since the last update of the Code.

B. Two clerical errors were discovered in the process of updating the Code. Portions of Code Section 153.259.010(C) were omitted and Code Sections 31.15 and 31.16 were mistakenly repealed. In order to correct Section 153.259.010(C) of the Code and readopt Sections 31.15 and 31.16 of the Code;

The people of the City of Prineville ordain as follows:

1. Code of Prineville Section 153.259.010(C) is hereby amended to read as follows:

(C) *Extensions.*

(1) The Planning Director may grant one extension of up to one year for a land use approval or a phase of a land use approval, regardless of whether the applicable criteria have changed, if:

(a) An applicant makes a written request for an extension of the development approval period;

(b) The request, along with the appropriate fee, is submitted to the City prior to the expiration of the approval period;

(c) The applicant states reasons that prevented the applicant from beginning or continuing development or meeting conditions of approval within the approval period; and

(d) The City determines that the applicant was unable to begin or continue development or meet conditions of approval during the approval period for reasons for which the applicant was not responsible, including, but not limited to, delay by a state or federal agency in issuing a required permit.

(e) All fees charged to the project have been paid.

(2) Up to two additional one-year extensions, may be granted under the above criteria by the Planning Director or his/her

designees with the condition that all plans be brought up to current city standards, including Land Use and Zoning Code requirements and Standards and Specifications.

(3) Any additional extensions beyond the three allowed under (1) and (2) above may only be approved by City Council. Such extensions shall be based on the following:

(a) All requirements listed for extensions under (1) (a), (b), (c), (e) and (2) above are met.

(b) Council determines that, due to unforeseen general economic conditions, reasonable expectations for developing the project in a given timeframe have changed since the date of the original approval. General economic conditions refer to citywide (or broader) conditions, not the specific economic situation of the applicant.

(c) The applicant demonstrates that a substantial effort has been made to move the project forward. Evidence of substantial effort shall be evaluated at the discretion of the Council and may include planning, engineering, architectural design, bonding for or construction of public improvements, or other similar demonstrations of economic commitment.

2. Sections 31.15 and 31.16 of the Code of Prineville are readopted to read as follows:

**§ 31.15 OFFICE CREATED.**

The office of General Manager of the City Railway is hereby created. The General Manager shall be qualified in the management of railway operations and shall be subject to other qualification criteria as the City Manager may deem necessary. The City Manager shall have the responsibility for the hiring, setting of salary, conditions of employment, and termination of the General Manager. The General Manager shall have the general supervision, direction, and control over the operations and maintenance of the City Railway and its employees, subject to approval by the City Manager to whom he/she shall be directly responsible in the operations of the City Railway.

**§ 31.16 DUTIES AND RESPONSIBILITIES.**

The General Manager of the City Railway shall have such other duties and responsibilities concerning operation and maintenance of the railway as may be approved or directed by City Manager.

Passed by the City Council this \_\_\_\_ day of December, 2011.

  
Betty J. Roppe, Mayor

ATTEST:

  
Lisa Morgan, City Recorder

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