

Memo

To: Prineville City Council
From: Scott Edelman, Senior Planner
Date: January 2, 2007
Re: Procedural Code Change Proposals

The packet for the December 11 Council meeting included a draft of proposed amendments to Chapter 153, Land Development, in the City of Prineville Code of Ordinances. These amendments are to procedural language and do not affect the substance of the land development provisions. Each of the proposed changes is intended to address one of the following procedural issues:

1. Eliminate inconsistencies among different sections of the development code.
2. Change the procedural language to be consistent with the actual procedures and policies by which staff has been directed to follow.
3. Avoid policy that conflicts with state law.
4. Reinstate language regarding enforcement of the development code that was accidentally replaced in a past code revision.

Since that meeting, staff has not received any additional input from Council members; however, City Attorney Carl Dutli, recommends changes to the text distributed in the December 11 packet as listed below (changes in **bold font**). Staff requests that the Council review the proposed amendments, including the changes proposed by Mr. Dutli, in preparation for the workshop on January 8.

The following changes are proposed by Mr. Dutli (changes in bold font, page numbers refer to the document included in the December 11 meeting packet):

Page 33, item (D)(4) – In the case where more than one detached building **occupies is located on a single site** lot, unless classified as a multi-family dwelling complex, minimum lot area shall be calculated as the cumulative total square footage required for each type of building on the site.

Page 38, item (A) – Application. Any person proposing a subdivision, or the authorized agent or representative thereof, shall submit an application for a subdivision to the City Planning Department. The application shall be accompanied with ten copies of either an outline development plan as provided for in division (B) of this section or a tentative plan

as set forth in division (C) of this section, together with improvement plans and other supplementary material as may be required, and the appropriate filing fee as established by the City Council. The date of filing shall be construed to be the date ~~in~~ on which all of the foregoing materials are received and accepted by the appropriate city official.

Page 47, item (8) – Commission review and approval of final plat. Within 30 days following the receipt of the final plat for any land division reviewed by the Planning Commission, the Chair of the Commission, ~~or another member of the Commission designated by the Chair~~ **Vice-Chair**, shall review the final plat to verify that the plat is submitted in accordance with the tentative plan approval.

Page 38, item (8)(a) – If the Commission Chair ~~or designee~~, or **Vice-Chair acting in place of the Chair**, does not approve the final plat, the Community Development Department shall advise the subdivider of the reasons therefore, and shall provide an opportunity to make corrections.

Page 38, item (8)(b) – If the Commission Chair ~~or designee~~, or **Vice-Chair acting in place of the Chair**, approves the final plat, approval shall be indicated by the signature of the Chair of the Commission, or ~~designee~~ **Vice-Chair acting in place of the Chair**, on the plat.

Page 38, item (9) – ~~Council approval of Mayor signature on final plat.~~ Within ten working days of Commission approval of the plat, the Mayor ~~or designee~~, or **President of the Council acting in place of the Mayor**, shall review the final plat to verify that the plat is submitted in accordance with ~~the decision of the Planning Commission and complies with~~ this chapter and other applicable standards and regulations.

Page 38, item (9)(a) – If the Mayor or designee does not approve the final plat, the Community Development Department shall advise the subdivider of the reasons therefore, and shall provide an opportunity to make corrections.

Page 38, item (9)(b) – If the Mayor, or ~~designee~~ **President of the Council acting in place of the Mayor**, approves the final plat, approval shall be indicated by the signature of the Mayor, or ~~designee~~ **President of the Council acting in place of the Mayor**, on the plat.

Page 49, item (d) – SERIES PARTITIONING. A series of partitions, major or minor, of a tract of land resulting in the creation of four or more parcels ~~within a over a period of more than one~~ calendar year.

Page 65, item A.(5) – ~~City Fire Chief and Rural Fire Protection District as applicable~~ **Crook County Fire and Rescue**

Page 89, item A. – The City Manager or ~~Recorder, City Planning Official, the City Council and/or other city official duly appointed and/or designated by the City Council or designee~~ shall have the powers and the duties to enforce the provisions of this chapter and all amendments thereto.

Page 89, item B. – In addition, the ~~Planning Commission and/or City Council~~ **City Manager or designee** may initiate action to enforce any provision of this chapter, including any violation of any restriction or condition established under the provisions of this chapter in the granting of any application authorized or required pursuant to the provisions of this chapter.

Page 90, add item (D) – Nuisances. Violations which include a nuisance violation, shall also be subject to the abatement procedures set forth in ordinance 911, sections 46 through 53, inclusive.