

CHAPTER 153: LAND DEVELOPMENT

CHAPTER 152: SIGN CODE

Second Hearing Draft Housekeeping Changes 2016

Section: **History:** Full update on 03/24/1998 (Ord. 1057), Amended 12/09/1998 (Ord. 1063) adding Industrial Park zone, Amended 11/28/2006 (Ord. 1137) procedures update, Amended 02/26/2008 (Ord. 1150) general housekeeping changes, Amended 01/27/2009 (Ord. 1156) Big Box Design Review, Amended 12/08/2009 (Ord. 1166) changes to extension procedures. Full update 06/14/2011 (Ord. 1180), Amended 12/13/2011 (Ord. 1186) Towing yards in C2, Amended 09/25/2012 (Ord. 1196) Remainder lot, Amended 12/9/2014 (Ord. 1208) housekeeping changes, Amended ??? (Ord. 1229)

Purpose: Update the quick reference history at the beginning of the Land Use Code.

CHAPTER 153 LAND DEVELOPMENT CODE

Section: “Table of Contents” shall be amended to reflect the following changes by section.
Supplementary Provisions

...

153.095 Manufactured Dwellings & ~~homes; mobile homes;~~ RVs

Purpose: Manufactured dwellings are defined by different types. By referring to the group we can specify specific uses for each type.

Section: 153.004 Definitions shall be amended as follows:

...

ACCESSORY USE OR STRUCTURE. A use or structure, or a portion of a structure, the use of which is incidental and subordinate to the ~~main~~ primary use of the property or structure and located on the same ~~premises~~ lot or parcel as the ~~main or~~ primary use and/or structure.

...

Purpose: To clarify and make language consistent with other parts of the code.

...

DENSITY, NET. The number of dwelling units per unit of land expressed as the number of square feet of land per dwelling unit. Minimum lot areas by dwelling type are listed in the residential dimensional tables by zone. The net density for a land division creating any lot or parcel is computed by dividing the net square footage of the lot or parcel by the minimum lot area required for a single family ~~number of~~ dwelling in its specific zone ~~unit~~. The net square footage is determined by subtracting from the total square footage of the lot or parcel that which is deemed necessary for street dedication and that area used for private streets and common driveways, if any.

...

Purpose: Clarification of how net density is calculated. The current definition does not state what type of dwelling unit or lot area to divide by.

DWELLING

...

Accessory Dwelling Unit (ADU). A secondary living unit containing cooking facilities, including manufactured homes but ~~or separate cottage~~ excludes ~~RV's~~ recreational vehicles (RVs) ~~on a single family lot~~ and shall only be used in conjunction with a single family home on the same lot or parcel (see 153.080). Accessory dwellings shall meet ~~in a residential zone containing cooking facilities, and meets~~ the dimensional and other requirements of the zoning district in which it is located. See accessory structure for buildings not containing cooking facilities.

...

Purpose: Clarify when an ADU can be used and that manufactured dwellings are allowed if allowed in the zone.

Changed, kept the word “shall” instead of “may” and added “parcels”

...

Multifamily Dwelling. A detached building containing 3 or 4 dwelling units on a single lot or parcel and designed for occupancy by 3 or 4 families or households living independently of each other (Triplex or Fourplex). Multi-family Dwellings built on adjacent lots or parcels shall be considered a multifamily complex if it is functioning as a complex or if it appears a development is purposely trying to subvert the multifamily complex code.

...

Purpose: The way it is currently written, two properties with unrelated ownership could be forced to comply with the multifamily complex code even though they are completely independent of each other.

...

MANUFACTURED DWELLING. Except as may be additionally defined for the purposes of this chapter, manufactured dwelling means the following:

(1) **RESIDENTIAL TRAILER.** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

(2) **MOBILE HOME.** A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(3) **MANUFACTURED HOME.** A prefabricated or factory constructed dwelling constructed off-site as a single unit or multiple sections for assembly as a permanent residential structure, constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal, state or local manufactured housing construction and safety standards and regulations in effect at the time of construction. (O.R.S. 446.003(26)(a))

(4) Does not mean any building or structure subject to structural specialty code adopted pursuant to O.R.S. 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

(5) For the purposes of this chapter, it shall be immaterial whether the units or components thereof are placed upon property for a temporary, semi-permanent or permanent residence, or that the wheels are removed and the unit or component(s) are supported upon footings or a foundation.

(6) This definition does not include travel trailers, camping trailers, motorized homes or campers, pickup coaches or other recreational type vehicles.

Purpose: More clearly defines a manufactured home.

...

MANUFACTURED DWELLING ~~OR MOBILE HOME~~ PARK. Any place where four or more manufactured dwellings ~~or structures~~ are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee to be paid for rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of the person(s). Manufactured dwelling park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved as a subdivision permitting manufactured dwellings at the time of platting and approved by the city pursuant to provisions adopted pursuant to O.R.S. 92.010 to 92.190, or if an amendment to the approval of the subdivision for manufactured dwelling use is subsequently granted by the city.

...

Purpose: A mobile home is a manufactured home, there is no reason to refer to both. The reference to a structure is confusing, as if any manufactured structure constitutes a manufactured dwelling park.

...

MODULAR OR PREFABRICATED HOME. A ~~prefabricated, sectional or factory constructed~~ dwelling unit ~~manufactured off-site, normally~~ constructed of multiple in two or more sections or components for assembly on site, on a permanent foundation as a permanent residential structure, and when completed is essentially indistinguishable from a conventionally ~~site constructed~~ built home and conforms to the local building code and the current edition of the State of Oregon One and Two Family Dwelling Code.

...

Purpose: The current definition of a modular or prefabricated home could be confused with a manufactured home.

...

PARK MODEL. A park model is a small single wide dwelling that resembles a manufactured home but is classified as a recreational vehicle and built to recreational vehicle standards. Due to the designation as a recreational vehicle a park model is limited in size and not intended for use as a permanent residence. Park models are design for placement in manufactured home parks, RV parks or campgrounds.

...

Purpose: Need definition to refer to.

...

SITE BUILT HOME. Also referred to as “stick built” is a dwelling that is constructed entirely or largely on-site (excludes engineered items like trusses) and is intended to be occupied at its location upon completion. This term is used to differentiate between a manufactured or modular dwellings that are largely factory built. Site built homes conform to the local building code and current edition of the State of Oregon One and Two Family Dwelling Code.

...

Purpose: Need a definitions to refer to.

Section: 153.014 General Criteria shall be amended as follows:

...

(I) Requiring an Emergency Management and Response Plan approved by the Fire Marshall for projects larger than 20,000 square feet in Residential, Mixed Use, Industrial or Commercial Zones. The plan shall address the major concerns associated with the terrain, dry conditions and limited access. The plan shall verify that the district has the appropriate equipment, training and personnel to respond to fires. If the local fire department or district does not have adequate rescue capability, the applicant shall provide a plan for providing such in case of an emergency.

Purpose: To add some language reinforcing the position of the fire department to ask for specific needs due to the type of development.

Section: 153.031(B) Locations of Zones shall be amended as follows:

...

(B) The City of Prineville’s first Comprehensive Plan was adopted on April 10th 2007 by Ordinance 1143. The map entitled “Adopted City Comprehensive Plan 2007” is adopted by reference and was based on Crook County’s 1984 Comprehensive Plan Map as amended and expanded to meet the current UGB and zoning at that time. The designations and boundaries of zones may be modified in accordance with Comprehensive map amendments adopted in accordance with the provisions of this chapter which shall also be adopted by reference. ~~There have been three Comprehensive Plan Map Amendments with zone changes as follows: Amendment #1 adopted May 28th 2008 by Ord. 1151, Amendment #2 adopted October 14th 2008 by Ord. 1157 and Amendment #3 adopted December 9th 2008 by Ord. 1159.~~

Purpose: It may have been a good idea to reference amendments at the time but it is probably better to just adopt them by reference as we do with the zoning map in section (A) above.

Section: 153.035 Residential use table shall be amended as follows:

...

Residential Uses/Accessory Uses

	R1	R2	R3	R4	R5	Comments:
Single family dwelling, excluding manufactured <u>dwelling</u> home	0	0	0	0	0	

...

Mobile home <u>Manufactured dwellings in an approved manufactured dwelling park including or single-section manufactured homes in approved manufactured home or mobile home park</u>		0		0		153.095
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...

Added (missed this reference to dwellings)

Manufactured home or mobile home <u>dwelling</u> park		T2		T2		153.083(F)
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...

<u>PUBLIC FACILITIES/UTILITIES</u>	R1	R2	R3	R4	R5	Comments:
Utility Towers	T2	T2	T2	T2		153.083(I, <u>L</u>)
Utility Towers (co-location)	0	0	0	0	0	153.083(I, <u>L</u>)

Purpose: Add reference to manufactured dwellings and other relevant code sections.

Section: 153.036 Residential Dimensional Standards shall be amended as follows:

Minimum lot area (public water and sewer required) ^{1,2}

...

	R1	R2	R3	R4	R5
Duplex Lot <u>(not for density purposes)</u>	N/A	3,750 sf	N/A	3,250 sf	Zone Standards

...

Townhouse Lot <u>(not for density purposes)</u>	N/A	3,000 sf	N/A	2,500 sf	Zone Standards
Townhouse Multiplex Lot <u>(not for density purposes)</u>	N/A	N/A	N/A	N/A	Zone Standards

...

<u>Max. Net Density for Land Division</u>	<u>Calculated based on "Net Density" definition.</u>				
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Purpose: To clarify how net densities are calculated. Currently it could appear that the density for townhouses is based on its minimum lot size of 3000s.f. and not that of a single family dwelling as intended.

Section: 153.037 Commercial & Industrial use table shall be amended as follows:

...

Res./Acc. Uses (Cont.)

Temporary mobile <u>Manufactured Home</u> or RV during construction.	0	0	0	0	0	0	0	0	No planning permit required <u>153.095(D)</u>
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...

Retail Uses

	C1	C2	C3	C4	C5	M1	M2	IP	Comments:
Bicycle Sales and Service	<u>0</u>	0			0				

...

Retail Uses (Cont.)

	C1	C2	C3	C4	C5	M1	M2	IP	Comments:
<u>Transient Merchants</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>See Chapter 110</u>

...

Public Facilities/Utilities

	C1	C2	C3	C4	C5	M1	M2	IP	Comments:
Utility Towers (exceeding height limit of zone) ²		T2			T2	T2	T2	T2	153.083(I, <u>L</u>)
Utility Co-location	0	0	0	0	0	0	0	0	153.083(I, <u>L</u>)

Purpose: Add reference to relevant code sections and add transient merchant use based on current practice.

Section: 153.080 ACCESSORY DWELLING UNITS & GUEST HOUSES

(A) An accessory dwelling, ~~including or a~~ guest house is a small, secondary living unit containing cooking facilities that may include manufactured homes but excludes recreational vehicles (RVs). ~~on a single family lot, usually the size of a studio apartment.~~ The additional unit ~~may~~can be a detached ~~cottage~~unit, a unit attached to a garage, or in a portion of an existing house. ~~The lot size standards of the residential zones do not apply to accessory dwellings, due to the small size and low occupancy level of the use.~~ An accessory dwelling unit shall not constitute grounds for future ~~partitioning~~land division. The following standards are intended to control the size and number of accessory dwellings on individual lots, so as to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all of the following standards:

(1) An accessory dwelling is allowed only if specified in the underlying zone use table. Manufactured homes and shall only be used in zones that allow manufactured homes. In the case of a residential use in a commercial zone, the R2 zone standards shall apply.

(2) One Unit. A maximum of 1 accessory dwelling unit is allowed per lot or parcel and only in conjunction with a single family home.

(3) Floor Area. The maximum floor area of the accessory dwelling shall not exceed 700 square feet. Size requirements for manufactured homes in section 153.095 do not apply.

(4) Dimensional standards. An accessory dwelling shall not cause a lot to exceed the dimensional standards of the underlying zone. The lot size requirements per dwelling do not apply to accessory dwellings.

...

Purpose: Better define how and where accessory dwellings can be used.

Section: 153.083 Standards for specific uses shall be amended as follows:

(E)...(16) The Planning Commission shall review the permit for a home occupation or cottage industry upon the receipt of 2 or more written complaints of violations of these or applicable state standards or regulations from ~~2 or more~~ households within 250 feet of the boundaries of the affected property.

Purpose: Redundant language

(G) Temporary ~~mobile home~~manufactured dwelling or RV park. With the exception of standards concerning access and driveway improvements, mail service, telephone, playground areas, patios and overall density set forth by division (F) of this section, the city may approve a temporary ~~mobile home~~manufactured dwelling or RV park for the establishment of the facility for a construction company, timber company or farm or by exclusive use by such companies by a party independent thereof. The approval may only be granted if the following conditions are met. (O.R.S. 446.105)

(1) There is no available space or inadequate space available in existing or planned ~~mobile home~~manufactured dwelling or RV parks for which construction has commenced within a reasonable distance.

(2) A ~~mobile or~~ manufactured ~~home~~dwelling or RV park is necessary for the proper housing of the subject company's employees until the construction; farm or logging project is finished.

(3) The subject facility will not be occupied by any parties not employed by the subject company or subcontractors thereto.

(4) There is an identified housing shortage in the area, due to the size of the subject project to be served.

(5) The facility shall not be permitted for a period to exceed the time required to provide temporary housing for the special use or project to be served thereby, or for a period ~~of 12 months~~determined by the City, whichever is less.

(6) If the facility is converted or proposed to be converted to a permanent facility at the end of the period, full compliance with the standards and set forth by division (F) of this section shall be required.

Purpose: Change reference to manufactured dwellings to include all types of manufactured dwellings and include RV parks for this type of use.

Section: 153.094(B) Cluster Development shall be amended as follows:

(B) For example, for a development in an R-2 Zone, the reviewing authority may waive the minimum lot size standard of 5,000 square feet for single family dwelling units for an equivalent overall net density (see definition). ~~factor calculated after deducting all areas required for streets public utilities and other public or semi-public uses.~~

Purpose: The language in section (B) of the Cluster Development code does not coincide with our net density definition. Utilities should be in the street so that should already be subtracted. Public and semi-public uses seem to indicate that you would subtract parks and open space from the density calculation which is completely contradictory to the purpose of a Cluster Development.

Section: 153.095 (A)(B)(D) (F) (G) shall be amended as follows:

153.095 MANUFACTURED DWELLINGS & HOMES; ~~MOBILE HOMES~~; RVs'S

(A) Manufactured home placement. The provisions set forth by this subsection govern the placement of manufactured homes in the city and the urban area thereof.

(1) Purpose. This subsection (A) is designed to comply with the provisions of O.R.S. Ch. 197.307 governing the placement of manufactured homes, as herein defined, within the city and the urban area thereof.

(2) Manufactured Home minimum size. ~~Classes.~~ For the purposes of these regulations, manufactured home sizes are permitted as follows ~~are divided into the following classes.~~

(a) Individual lots or parcels. Shall have more than 750 square feet of living space in a double or multi-sectional unit.

(b) Accessory Dwellings. Shall meet accessory dwelling code 153.080.

(c) Temporary residences. Temporary residences approved under 153.083 (D)(F) have no specific size requirement.

(d) Manufactured home parks. Have no specific size requirement unless required by the State of Oregon building code.

(e) Manufactured home subdivision. Shall meet the size requirements of an individual lot unless specifically approved otherwise by the Planning Commission.

~~(a) — A Class “A” manufactured home shall be a double or multi-sectional, and enclose a living space of not less than 1,000 square feet.~~

~~(b) — A Class “B” manufactured home shall have more than 750 square feet of living space in a double or multi-sectional unit.~~

(3) General provisions.

(a) Manufactured homes are permitted as shown in the use tables of this chapter. ~~For the purposes of this subsection (A), R-zones are intended to be those Residential Zones set forth in this chapter designated as R-1, R-2, R-3 and R-4.~~

~~(b) — Class A: Permitted as an outright use on individual lots as a single family dwelling in all R-Zones, in manufactured home parks and subdivisions and as replacements to existing nonconforming manufactured or mobile homes.~~

(b) Class B: Permitted in R-2, R-3 and R-4 Zones; Manufactured Homes are also permitted as replacements to existing nonconforming manufactured homes provided the unit is found to be an improvement over current housing of or for the applicant.

(d) Manufactured home parks are permitted as shown in the use tables within the R-Zones set forth in ~~of~~ this chapter.

(e) In addition, manufactured home parks and subdivisions may be planned under the provisions of a planned unit development, which may be used to provide for individual ownership of manufactured homes and sites and common ownership and maintenance of other lands and facilities.

Changed, added reference to Type II conditional use and the use tables.

(f) Manufactured home subdivisions ~~for Class A manufactured homes~~ as ~~herein~~ defined are only permitted as a Type II conditional use as shown in the use tables ~~any other subdivision is permitted in the R-Zones when approved in compliance with the applicable provisions~~ of this chapter.

~~(g) — Manufactured home subdivisions for Class B manufactured homes as defined herein are only permitted as a type II conditional use in the R-2, R-3 and R-4 Zones in accordance with the applicable provisions of this chapter.~~

(h) Nothing in these provisions shall be interpreted as abrogating or superseding any recorded deed restriction or protective covenants.

(i) Except as specified otherwise by this subsection (A), the standards for subdividing and developing land for and within manufactured home parks and subdivisions shall be the same as for all other developments in accordance with the provisions of this chapter.

(j) Where standards for manufactured homes and developments therefore are established by state law or administrative rule, the requirements shall be in addition to the provisions of this subsection (A).

(k) All manufactured homes at the time of placement shall meet the minimum standards as adopted by the State Building Codes Division. ~~The Oregon manufactured dwelling installation specialty code effective April 1st, 2010; previously known as “The Manufactured Housing Construction and Safety Standards Code” (also referred to as the HUD Code), Title VI of the 1974 Housing and Community Development Act (42 USC 5401 et seq.) as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted there under (including information supplied by the manufacturer, which has been stamped and approved by a Design Approval Primary Inspection Agency, and agent of the U.S. Department of Housing and Urban Development pursuant to HUD rules), and regulations and interpretations of the code by the Oregon Department of Commerce, all of which became effective for mobile and manufactured home construction on June 15, 1976, shall be utilized as the minimum construction standard of the city to which all manufactured home placements shall comply except as may be exempted or otherwise provided for by this subsection (A).~~

(4) Definitions. For the purposes of this subsection (A) only, the definitions of terms used herein and not defined in this chapter shall be as defined in O.R.S. Ch. 446 or O.A.R. Ch. 814, Division 23 as such may be amended.

(B) Manufactured home placement requirements. ~~Class “A” and “B” manufactured homes shall meet the following requirements.~~

...

(9) Additions or accessory structures.

(a) Except for a structure which conforms to the state definition of a mobile or manufactured home accessory structure, no other extension shall be attached to a manufactured home, except a garage or carport constructed to the Oregon State ~~Structural~~ Specialty Building Code.

...

Purpose: Clarify size requirements for manufactured homes. Manufactured homes were removed from the R1 zone with the last code update. The only reason Class ‘A’ & ‘B’ existed was to ensure larger manufactured homes in the R1 zone. With R1 being removed the classes are no longer necessary. It is also not necessary to list all the different building code sections and dates as they can be amended.

(D) ~~Mobile~~ Manufactured homes and RV's as temporary residences. A single-wide or single unit residential trailer or manufactured home, mobile house, or recreation vehicle (RV), may be authorized as a temporary residence ~~on an individual lot~~ if found to comply with the following conditions.

~~_____ (1) The unit shall only be occupied by the owner of the lot on which the unit is located.~~

(12) Residential use during construction of a home.

_____ (a) The unit shall only be placed upon a lot or parcel and occupied by the owner or builder for which a building permit for a conventional housing unit or a placement permit for a manufactured home meeting the standards of the applicable zone has been obtained.

_____ (b3) Only one unit shall be allowed and ~~The unit~~ shall only be occupied during a period in which satisfactory progress is being made towards the completion of the conventional housing unit or placement of the manufactured home for which a permit has been obtained, and in no case shall the time period exceed 18 months involving a conventional dwelling or 6 months involving a manufactured home.

_____ (c4) The owner of the lot agrees in writing to remove the manufactured unit from the lot no later than the applicable time period set forth above in division (b3) ~~of this subsection (D)~~, or not later than one month following the completion of the unit or placement of the manufactured home, whichever occurs first.

_____ (d5) ~~Electric, p~~ Except in the case of a self contained RV, public sewer and water connections shall be made to mobile home units provided, as well as electric power.

_____ (e6) The City Planning Official may review permits issued under this subsection (D) at any time and revoke the permits when found to not be in compliance, including evidence of unsatisfactory progress on construction or placement of the intended permanent housing unit. ~~(D)~~

Purpose: Removed reference to “mobile homes”. Cleaned up other language.

(F) Recreational vehicles, ~~Mobile homes~~ and Manufactured homes: temporary residence for care of relative.

(1) It is the intent of this temporary use permit to provide for the temporary placement and use of certain structures which, because of personal hardship and special needs, require and warrant special consideration for the special temporary use.

(2) No such use shall be approved unless there is a finding by the reviewing authority that there will not be any adverse impact on the welfare of adjacent properties and the community as a whole, nor a detriment to the overall intent of this chapter and the applicable zone designation.

(3) No temporary permit shall be granted which would have the effect of creating a permanent rezoning, nonconforming use or variance or when the use is not permitted to continue at the expiration of the permit period.

(4) As a temporary special use permit in every zone in which residential uses are permitted, the City Planning Official, as a type I conditional use permit, may approve 1 ~~accessory mobile~~ manufactured home or RV in conjunction with a primary dwelling unit with the following findings and limitations.

(a) That the unit is necessary to give care for or provide custody of an elderly, handicapped or infirm relative who a medical doctor certifies is in need of this special kind of care or custody.

(b) The applicant and permit holder is the owner and resident of the primary dwelling and is the care provider for the infirm relative for which the special use permit is granted.

(c) That no additions to the ~~mobile home~~manufactured home or RV unit shall be permitted, nor shall the unit be connected in any way, except for a covered walkway to the main dwelling unit.

(d) That all residential utilities and facilities deemed necessary can be and are provided.

(e) That all setback requirements of the applicable zone designation can be met.

(f) That the subject ~~mobile home~~manufactured home or RV unit is not of a condition as to constitute a visual nuisance or be a safety hazard to the occupant thereof.

...

Purpose: Removed reference to “mobile homes” these should not be used as temporary residences any longer. Cleaned up language.

(G) Manufactured ~~homes and mobile houses~~Dwellings limited to parks. All single-wide manufactured ~~homes, mobile houses and residential trailers~~dwellings shall be limited to a location within a duly approved ~~mobile house or~~ manufactured ~~home~~dwelling park or as a temporary use authorized by this chapter or unless approved otherwise as a conditional use pursuant to the provisions of this chapter.

Purpose: Change reference to manufactured dwellings, which includes the referenced dwelling types.

Section: 153.232 Public Hearings on Amendments shall be amended as follows:

153.232 PUBLIC HEARINGS ON AMENDMENTS.

The City Planning Commission shall, at its earliest practicable meeting date following the 30 day filing period, duly advertise and conduct a public hearing on the subject amendment application, and shall, within five working days of the conclusion of the hearing, recommend to the City Council approval, disapproval or modified approval of the proposed amendment. Within 30 days of receipt of the Commission's recommendations, the City Council (unless section 153.256.030 applies) shall duly advertise and conduct a public hearing on the proposed amendment. The Council shall approve, approve with modifications or disapprove the proposed amendment. The Commission or Council may recess or continue a hearing in order to obtain additional information and input on a subject proposed amendment. (O.R.S. 227.175 (3) and (5))

Purpose: To make reference to a specific section of the code for plan amendments and zone changes that follow a different process than stated above.

Section: 153.233(E) Public Notice Requirements shall be amended as follows:

(E) Notice of an application for a proposed zoning amendment, together with a copy or description of the proposed amendment, shall be provided to the State Land Conservation and Development Commission (LCDC) at least ~~45~~35 days prior to the date of the final hearing thereon. (O.R.S. 197)

Purpose: It is now 35 days not 45.

Added, changed reference to ORS.

Section: 153.252.020 Notice.

(A) Published Notice.

(1) Notice of a legislative change shall be published in a newspaper of general circulation in the city at least 10 days prior to each public hearing.

(2) The notice shall state the time and place of the hearing and contain a statement describing the general subject matter of the ordinance under consideration.

(B) Posted Notice. Notice shall be posted at the discretion of the Planning Director, ~~and where necessary to comply with ORS 203.045.~~

(C) Individual Notice. Individual notice to property owners, as defined in 153.251.010(A), shall be provided at the discretion of the Planning Director, except as required by ORS ~~227.186~~215.503.

Purpose: wrong ORS reference.

Section: 153.255.040(A)(8) Contents of notice shall be amended as follows:

(A)...(8) State the name of a ~~county~~City representative to contact and the telephone number where additional information may be obtained.

Purpose: Reference to County should be City.

Sections: 153.254.060, 153.255.110(B), 153.258.030(C), 153.259.010(D)(2) shall be amended as follows:

153.254.060 Supplementation of application within first 30 days of submittal.

An applicant shall not submit any evidence to supplement its application during the 30 days following submittal of its application, except to respond to a request for additional information made under ~~DCC~~153.251.030. Any evidence submitted by an applicant in violation of 153.254.060 will not be considered in determining whether the application is complete and will be returned to the applicant.

153.255.110(B) Setting the hearing.

(B) If an applicant requests that a hearing date be changed, such request shall be granted only if the applicant agrees that the extended time period for the hearing shall not count against the 120-day time limit set forth in ~~DCC~~153.254.050.

153.258.030(C) Notice of appeal

(C) If the City Council is the Hearings Body and de novo review is desired, a request for de novo review by the Council stating the reasons why the Council should provide de novo review as provided in ~~DCC~~ 153.258.060.

153.259.010(D)(2) Expiration of approval.

(D)... (2) Approval of an extension granted under ~~DCC~~ 153.259.010(~~C~~e) is an administrative decision, is not a land use decision described in ORS 197.015 and is not subject to appeal as a land use decision and shall be processed under 153.250 as a development action, except to the extent it is necessary to determine whether the use has been initiated.

Purpose: Removal of reference to Deschutes County Code.

Added, remove reference to magnetic tape.

Section: 153.258.040(C) Transcript Requirement

(C) An appellant shall be excused from providing a complete transcript if appellant was prevented from complying by:

- (1) The inability of the Planning Department to supply appellant with a ~~magnetic tape or tapes~~recording of the prior proceeding; or
- (2) Defects on the ~~magnetic tape or tapes~~recording of the prior proceeding that make it not reasonably possible for applicant to supply a transcript. Appellants shall comply to the maximum extent reasonably and practicably possible.

Purpose: Remove reference to magnetic tapes.

CHAPTER 152 SIGN CODE

Section: 152.61(4) & (5) Illumination shall be amended as follows:

4. Signs that contain, include or are illuminated by any rapidly flashing, intermittent, revolving, rotating or moving lights or moves or has any animated moving parts shall only be allowed if the sign is consistent with OAR 734-060-0190.
~~that is considered distracting to drivers evaluated on a case by case basis by the City Manager or designee appealable to City Council. Traffic control signs or signs providing public service information such as time, date, temperature, weather or similar information are not considered distracting.~~

Changed, removed reference to “events”

5. Any sign that is considered distracting to drivers shall be evaluated on a case by case basis by the City Manager or designee appealable to City Council. Traffic control signs or signs providing public service information such as time, date, temperature, weather or similar information are not considered distracting.

Purpose: Sets a base standard for illuminated signs consistent with Oregon Department of Transportation sign requirements. This gives business owners more surety that their sign will not be a problem rather than the City guessing and enforcing after the fact.

Section: 152.41 Roof Signs shall be amended as follows:

152.41 Roof Signs. A sign ~~located on or above the~~ extending vertically from the roof of any building, not including a false mansard roof or other fascia. No signage, symbols, or logos of a commercial nature shall be placed, painted, or made part of the roof.

1. In lieu of a wall sign, 1 roof sign ~~shall~~ may be permitted for a single story, building only, provided that it extends vertically from the roof no more than 6 feet above the roof line or 25 feet above the curb line. A roof sign may not exceed 50 square feet in area. The supporting members of roof signs shall appear to be free of any extra bracing, angle iron, guy wires, etc. All supports shall appear to be an architectural and integral part of the building.

Purpose: Clarify that this is the only type of roof sign that is allowed, to protect the visual aesthetics of our community, particularly from the view point and other elevated areas around the community.