

ORDINANCE NO. 1208

**AN ORDINANCE AMENDING CHAPTER 153 OF THE CODE OF PRINEVILLE ("CODE")
TO COORDINATE STREET CLASSIFICATIONS WITH THE RECENTLY APPROVED
TRANSPORTATION SYSTEMS PLAN ("TSP"), CORRECT ERRORS, AND
PROVIDE CLARIFICATION**

WHEREAS, City of Prineville ("City") staff compiled amendments to the City's land use code (Chapter 153 of the Code) for review by the City Planning Commission at workshops held on July 15, 2014, and August 19, 2014; and

WHEREAS, on August 19, 2014, the City Planning Commission on its own motion, directed staff to move forward with a public hearing on the proposed amendments; and

WHEREAS, pursuant to Section 153.233 of the Code, required notice was submitted to the Department of Land Conservation and Development and published once a week for two consecutive weeks prior to the hearing scheduled for October 14, 2014; and

WHEREAS, on October 7, 2014, the City Planning Commission held a public hearing and approved the proposed amendments with changes; and

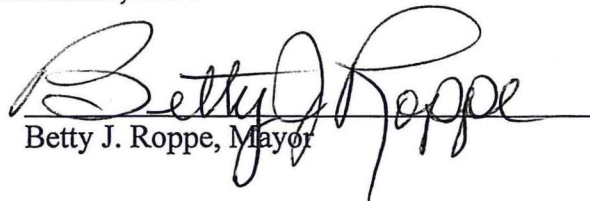
WHEREAS, on October 21, 2014, the City Planning Commission consented to the changes to the amendment and recommended the City Council approve the proposed amendments as shown on Exhibit A attached hereto and by this reference made a part hereof; and

WHEREAS, on October 28, 2014 and on November 18, 2014, the City Council held a public hearing on the amendments shown on Exhibit A and recommended one change to Exhibit A; and

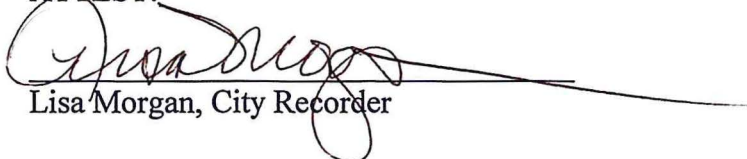
WHEREAS, the City Council's recommended change to Exhibit A has been made;

NOW, THEREFORE, the people of the City of Prineville ordain that Chapter 153 of the Code of Prineville is amended as shown on Exhibit A.

Passed by the City Council the 9th day of December, 2014


Betty J. Roppe, Mayor

ATTEST:


Lisa Morgan, City Recorder

CHAPTER 153: LAND DEVELOPMENT
Council Approved Housekeeping Edits 2014

Section "Table of Contents", shall be amended to reflect the following changes by section.

General Provisions

...

Add: 153.017 Permit Processing: Outright, Type I & II.

Supplementary Provisions

...

Delete: 153.097 COMPLIANCE WITH STATE/FEDERAL RULES

Conditional Uses

...

Delete: 153.138 — Permit processing: type I and II

Change to: 153.138 Time limit on permit

Delete: 153.139

Section 153.004 Definitions shall be amended to add the following definition:

...

Public Facilities or Services. A facility or service including irrigation provided by a public, governmental or non-profit organization or district.

...

Section 153.009 shall be deleted and 153.097 moved to 153.009 and amended as follows:

153.009 Compliance with other Rules and Regulations.

(A) Approval of any use or development proposal pursuant to the provisions of this chapter shall require compliance with and consideration of all applicable city, county, state and federal rules and regulations.

...

(C) Specific city, county, state and federal rules and regulations that may affect a specific land use or development for which compliance therewith is required if applicable include, but are not necessarily limited to the following.

...

(14) Applicable City and/or County ordinances, resolutions, agreements, regulating master plans or other land use decisions.

Section 153.014 (H) General Criteria, shall be amended as follows:

(H) Boats, trailers, travel trailers, pick-up campers, recreational vehicles, motor homes and similar recreational vehicles and equipment that is operational and licensed as required may be stored on a lot owned by the same person or family member, but shall not be used for permanent occupancy other than that permitted in 153.095 (D)(E)(F).

Section 153.015(C) Authorization of Similar Uses, shall be added as follows:

(C) Similar uses that do not violate the Nonconforming use criteria 153.115 of this chapter and are of equal or lesser impact with regard to water, sewer and traffic as determined by the Planning Director and City Engineer, do not require a planning application. Sign off on a Certificate of Occupancy from the Building Department or a City License may be required. See section 153.135 for transferability of a conditional use.

Section: 153.016 Municipal Sewer and Water Required, shall be amended as follows:

...

(B) Existing structures within the City limits shall connect to the municipal water and sewer services when made necessary by well and/or septic failure that is not recoverable and within the distance described by the State or the City's sewer and water ordinances. A Land division shall also require existing structures to connect when the size of a lot is reduced to a point where well and septic are not feasible or allowed by law.

(C) Approval of subdivisions and land partitions shall require municipal sewer and water service to each lot in accordance with the City's Standards and Specifications unless specifically allowed by another section in this chapter.

(D) Existing residences, replacement residences or single family home construction on existing lots may use existing wells and septic fields. New wells and septic systems may be constructed if services are not within the distance described by State or the City's sewer and water ordinances.

Section 153.138 shall be moved to a newly created 153.017 and amended as follows:**153.017 Permit Processing: Outright, Type I & II.**

Uses set forth by this chapter may be classified as an Outright use or a Type I or II conditional use. If the classification is not set forth and the use is not classified as a similar use by the Planning Director, all such uses shall be processed in accordance with the type II processing requirements set forth hereinafter. Per section 153.245.020 any land use action may be referred to the Planning Commission by the Planning Director.

(A) Outright. Uses marked by an "O" in the City's use tables. Outright uses are processed in 4 different ways as follows:

(1) Similar use. Outright uses that comply with similar use criteria in 153.015.

(2) Counter review and sign off. The Planning Director has discretion on how to process outright uses that are considered inconsequential. The Director may choose to provide an over the counter review and sign off on a building permit with no application. A planning number shall be assigned with plans attached. A sign off worksheet may be developed for implementation. Developments considered inconsequential include, but are not limited to the following:

(a) Small structures such as breeze ways, architectural projections, solar panels or covered patios and similar structures well within setback and lot coverage standards.

(b) Small structures considered insignificant to the use as a whole, such as small storage or utility buildings on a large manufacturing sites.

(3) Application without notice. As defined in 153.250.020 the following uses when identified as outright in a zone are considered development actions and, therefore; not subject to the notice requirements: Sign permits, single family homes, duplexes, residential additions and accessory structures, boundary line adjustments, lot consolidations and similar applications.

(4) Application with notice. The City Planning Official shall, within 5 working days of the receipt of a completed application for an outright use, provide individual written notice of the application in accordance with the administrative notice requirements of 153.255.

(B) Type I conditional use. Uses marked by a “T1” in the City’s use tables. The City Planning Official shall, within 5 working days of the receipt of a completed application for a type I conditional use provide individual written notice of the application in accordance with the administrative notice requirements of 153.255. If no objection is received within the response period the Planning Official may take action on the subject proposal for approval, approval with amendments, modifications and/or conditions for denial or may refer the subject application to the Planning Commission for public hearing. If one or more objections are received within the response period, the subject application shall be referred to the Commission for public hearing. The applicant shall be required to pay any additional hearing fees prior to scheduling the public hearing.

(C) Type II conditional use. Uses marked by a “T2” in the City’s use tables. An application for a type II conditional use shall be subject to review by the Planning Commission in accordance with the public hearing requirements of 153.255.

Statutory reference: Application for permit or zone change, see O.R.S. 227.175

Section 153.020(E)(1) Design Review, shall be amended as follows:

(1) For those uses subject to design review and classified as outright or type I conditional uses, the City Planning Official and/or the City Manager, and the City Superintendents of Streets and Public Works, the City Fire Chief and the City Police Chief shall be responsible for the design review thereof. As deemed necessary, the county’s Environmental Health Officer, as well as other agency and/or organizational representatives, may be requested to participate in the design review of specific use and/or development proposals. Any outright or type I conditional use may be referred to the City Planning Commission based on neighbor concerns, or potential significant impact on the community as determined by the Planning Director in accordance with section 153.017 Permit Processing..

Section 153.035 Residential Use Table, shall be amended as follows:

Residential/Accessory Use

...

accessory structure	0	0	0	0	0	see definition
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...

Section 153.038 Commercial & Industrial Dimensional Standards shall be amended as follows:

...

Clear Vision (ft.): *See 153.081 for more details.*

Street intersection (measured from curb)	25 ^D	25	25 ^D	25	25	25	25	25
Alley or ped/ path (measured from curb or edge)	15	15	15	15	15	15	15	15

...

Section 153.040 Airport Dimensional Standards shall be amended as follows:

...

Clear Vision (ft.):^c	<i>See 153.081 for more details.</i>							
All Uses	25		25			25		25

...

Section 153.062 Industrial Park IP Zone, shall be amended as follows:

In an IP Zone, the following regulations shall apply.

...

(K) Landscaping.

(1) A minimum of 10% of the developed site shall be landscaped, except for sites located adjacent to an arterial or major collector, 25% of the area within 100 feet of the street shall be landscaped and shall, at a minimum, include a minimum five foot landscaped buffer along the street.

...

Section 153.096 (A)(3) & (B) Livestock, shall be amended as follows:

(3) The number of colonies of bees allowed on a lot shall be limited to one colony for each 5,000, square feet of lot area. Colonies shall be setback a minimum of 5 feet of any property line. Hives shall be placed on property so the general flight pattern of bees does not unduly impact neighboring properties or their inhabitants. A flyway barrier at least 5 feet in height consisting of a solid wall, solid fencing material, dense vegetation or a combination is required to encourage bees to fly at an elevation of at least 5 feet above ground level over property lines in the vicinity of the colony. In any instance in which a colony exhibits aggressive behavior, the beekeeper must ensure that the colony is re-queened. Every beekeeper shall maintain an adequate supply of water for the bees located close to each hive.

(B) Animal runs or barns, chicken or fowl pens shall be reasonably screened from public streets and neighboring properties.

Section 153.115(C)(D)(F) Nonconforming Uses, shall be amended as follows:

(C) The lawful use of any building, structure or land in existence at the time of enactment or amendment of this chapter may continue in the same use and form until substantial modification as determined by the Planning Director, occurs or is requested. A change of ownership or occupancy shall be permitted. When any modification occurs whether deemed substantial or not, section (D) of this subsection shall apply.

(D) The modification of existing buildings is permitted through administrative review if such changes result in greater conformance with the specifications of this Chapter, including site improvements not associated with the structure. This also includes

expansion necessary to comply with any lawful requirement mandated by local, state or federal regulation for continuation of the subject use.

(F) An expansion or modification of any nonconforming use may be approved by the Planning Commission if found to be reasonably necessary to continue the use and if found to be no more detrimental than the present use.

Section 153.139 Time Limit on a Conditional Use Permit, shall be amended as follows:

153.138 Time Limit on a Conditional Use Permit.

Section 153.161 Lot Consolidations, shall be amended as follows:

All lot consolidations shall follow the same planning process as a boundary line adjustment and final plat map requirements of a partition or subdivision as applicable.

...

Section 153.251.050 Time computation, shall be amended as follows:

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, legal holiday or any day on which the City is not open for business pursuant to a City or county ordinance, in which case it shall also be excluded.

Section 153.254.010 Effect of determinations made outside of established processes, shall be amended as follows:

Any informal interpretation or determination, or any statement describing the uses to which a property may be put, made outside the declaratory ruling process (City of Prineville Land Development Ordinance, Section 153.260) or outside the process for approval or denial of a land use permit (153.254 – 153.256) shall be deemed to be a supposition only. Such informal interpretations, determinations, or statements shall not be deemed to constitute final City action effecting a change in the status of a person's property or conferring any rights, including any reliance rights, on any person.

153.254.020. Action on land use action applications.

...

Section 153.254.070(D) Modification of application, shall be amended as follows:

(D) Up until the day a hearing is opened for receipt of oral testimony, the Planning Director shall have sole authority to determine whether an applicant's submittal constitutes a modification. After such time, the Planning Commission shall make such determinations. The Planning Director or Planning Commission determination on whether a submittal constitutes a modification shall be appealable only to LUBA and shall be appealable only after a final decision is entered by the City on an application.

Section 153.255.030(B) Notice of hearing or administrative action, shall be amended as follows:

(B) Published Notice. In addition to notice by mail and posting, notice of an initial hearing shall be published in a newspaper of general circulation in the City at least 10 days prior to the hearing.

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

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

Section 153.004 Definitions (Road or Street), shall be amended as follows:

...
Arterial. A street referring to “major” and “minor” classifications unless specifically stated, of considerable continuity which is primarily a traffic artery for transportation among large areas, and so designated by the Transportation Systems Plan as may be amended.

...
Collector. A street referring to “major” and “minor” classifications unless specifically stated, supplementary to the arterial street system and a means of transportation between this system and small areas; used to some extent for through traffic and to some extent for access to abutting properties and so designated by the Transportation Systems Plan as may be amended.

...
Section 153.038 Commercial & Industrial Dimensional standards table, shall be amended as follows:

- ...
G Minimum 5 foot buffer along any adjoining public right-of-way of a major collector or arterial street.
H 25% of the area within 100ft. of an arterial or major collector street, 5 foot min along street.

...
Section 153.049 (A)(2) High Density Residential R-5 Zone, shall be amended as follows:

2) The site must have frontage along a street designated as a major collector or arterial or directly access a minor collector that intersects with the nearest major collector or arterial at a signalized intersection;

Section 153.062(M)(1)& (Q) Industrial Park IP Zone, shall be amended as follows:

(1) Outdoor storage of materials or products is limited and may only be permitted if fully enclosed and screened from an adjoining street, especially an arterial or major collector.

(Q) On-site equipment and utilities. Except as approved otherwise by the city, all on-site utility lines shall be placed underground. All roof-mounted fixtures, utility cabinets or similar equipment installed above ground shall be visually screened from public view from arterial and major collector streets.

Section 153.063(I)(7)(a) Mixed Use (MU) Zone shall be amended as follows:

(a) Streets and access ways of any one development or sites shall interconnect with those of adjacent developments or sites. Internal street or circulation patterns that isolate a development from all adjacent developments, and only allow access to fronting arterial or major collector streets, shall be prohibited. Exception – the Planning Commission may determine that topography and/or existence of natural features or street patterns on adjacent properties would be better accommodated with an alternative circulation pattern;

Section 153.075(E)(2) & (M)(4) Open Space-Park Reserve PR Zone, shall be amended as follows:

(2) The minimum building setback between a structure and the right-of-way line of an arterial or major collector road or street shall be 50 feet except as otherwise approved by the reviewing authority.

(4) All parking demand created by any use permitted in this zone shall be accommodated entirely on-premises or off-street on another area or adjoining area. In no case shall the location of the off-premises area require pedestrian crossing of an arterial or major collector street or highway to obtain access to the subject use except as otherwise approved by the city.

Section 153.083(H)(1) & (J)(12) & (J)(22)(a) & (R)(5) & (S)(2) & (S)(3) & (T)(1) Standards for Specific Uses, shall be amended as follows:

(1) All such complexes with more than 20 dwelling units shall be so located as to have direct access onto an improved arterial or major collector street unless approved otherwise by the city.

(12) Each recreation park shall have direct access to either an arterial or major collector street. Each access road intersecting a public street or highway shall have a surface width of not less than 30 feet, and driveways within the park shall be at 20 feet in width or if parking is permitted thereon, 30 feet in width. All roads and driveways shall be well-drained and hard-surfaced as approved by the city and the City Superintendent of Streets.

(a) RV parks within the R-2 zone shall only be allowed on properties with direct frontage on an arterial street as identified by the City of Prineville transportation systems plan (TSP). In no case shall a local street or minor collector be used for ingress or egress from the site. If a site has access to both a major collector and an arterial, access shall be determined by the City Engineer.

(5) Adequacy of accesses to and from principal streets; relative thereto, access must be to either a designated major collector or arterial street.

(2) Have frontage on an existing designated or future planned arterial and/or major collector street.

Minor arterial	300 feet
Major Collector	50 feet
Minor Collector	access to each lot
Local streets	access to each lot