

ORDINANCE NO. 1262

AN ORDINANCE AMENDING CHAPTER 153 OF THE CODE OF PRINEVILLE ("CODE") TO COMPLY WITH HB 2001 AND PROVIDE OTHER MINOR UPDATES.

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 during a workshop on September 15, 2020; and

WHEREAS, pursuant to Section 153.252.020 of the Code, required notice was submitted to the Department of Land Conservation and Development and published 10 days prior to the initial public hearing scheduled for October 20, 2020; and

WHEREAS, on October 20, 2020, the City Planning Commission held a public hearing, consented to the amendments, 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, pursuant to Section 153.252.020 of the Code, required notice was published 10 days prior to the City Council hearing of a legislative change scheduled for December 8, 2020; and

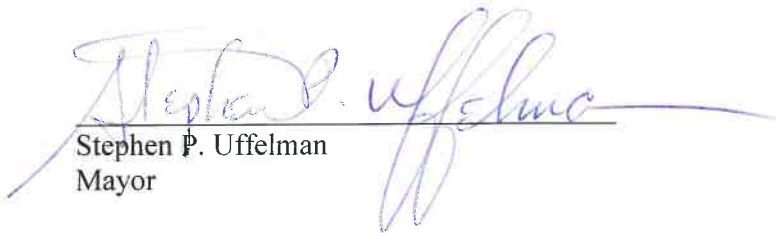
WHEREAS, on December 8, 2020 the City Council held a public hearing on the amendments shown on Exhibit A; and

WHEREAS, the Ordinance was available to the public at least one week before its presentation to the City Council.


NOW, THEREFORE, THE PEOPLE OF THE CITY OF PRINEVILLE DO ORDAIN AS FOLLOWS:

1. That Chapter 153 of the Code of Prineville is amended as shown on Exhibit A.
2. That this ordinance become effective thirty (30) days after its passage.

Presented for the first time at a regular meeting of the City Council held on December 8, 2020, and unanimously passed hereto.


Stephen P. Uffelman
Mayor

ATTEST:


Lisa Morgan, City Recorder

CHAPTER 153: LAND DEVELOPMENT CODE
Updating Land Use Code for Housing (HB 2001) & Other Minor Edits

HB 2001 Changes

Table of contents shall be amended as follows:

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Supplementary Provisions

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[153.084](#) Attached Single Family Housing, Townhomes & Townhome Lots

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Subdivisions, Partitions, Lot consolidations & Replats

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[153.159](#) Review Non-Standard Subdivisions

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Section 153.004 shall be amended as follows:

153.004 DEFINITIONS.

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COMMON WALL. Means a structural portion of a building dividing two structures that is shared by the occupants of each.



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DWELLING. As follows:

Accessory Dwelling Unit (ADU). A secondary dwelling unit, including manufactured homes but excluding recreational vehicles (RVs) that shall only be used in conjunction with and subordinate to a single family dwelling on the same lot or parcel (see 153.080). Accessory dwellings shall meet the dimensional and other requirements of the zoning district in which it is located. See “accessory structure” for structures not meeting the dwelling unit definition.

Single Family Dwelling. Means 1 dwelling unit on a single lot or parcel designed for occupancy by 1 family or household only.

Duplex. Means 2 dwelling units on a single lot or parcel attached by a common wall and designed for occupancy by 2 families or households living independently of each other where neither can be defined as a guest house or accessory dwelling. Site built units constructed with similar materials and detailing as determined by the reviewing authority may be allowed without a common wall and still classify as a duplex.

Multifamily Dwelling. Means 3 or 4 dwelling units on a single lot or parcel attached by a common wall and designed for occupancy by 3 or 4 families or households living independently of each other (Triplex or Fourplex). Multifamily Dwellings built on adjacent lots or parcels as a single development shall be considered a multifamily complex. Site built units constructed with similar materials and detailing as determined by the reviewing authority may be allowed without a common wall and still classify as a Triplex or Fourplex.

Multifamily Complex. Means 5 or more dwelling units on a single lot or parcel.

Townhome (house). A single family dwelling with a private entrance, which is part of a structure whose dwelling units are attached by a common wall at the lot line and having a totally exposed front and rear wall to be used for access, light and ventilation. Also referred to as single family attached housing or row homes.

Townhome Multiplex. Means the same as a townhome but allows multiple dwellings on the same lot, typically stacked vertically.

DWELLING UNIT. A structure, or portion thereof, consisting of one or more rooms including a bathroom, living, eating, sleeping and kitchen facilities, which are arranged, designed or used as living quarters for 1 family or household.

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LOT. Means a single unit of land that is created by a subdivision of land. (O.R.S. 92.010). The term "lot" within this code and all referenced codes and regulations shall always refer to the definition of a "lot of record" based on the context of the property being discussed.

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Townhome Lot. Refers to lots created under section 153.084(C) or through a cluster development subdivision under 153.094.

Section 153.016 shall be amended as follows:

153.016 MUNICIPAL SEWER AND WATER REQUIRED

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

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

Section 153.035 shall be amended as follows:

153.035 RESIDENTIAL USE TABLE

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Residential/Accessory Uses	R1	R2	R3	R4	R5	Comments:
Duplex	0	0	0	0	0	Excludes hazard areas in R1 & R3 zones
Triplex or fourplex, including condominiums, apartments or townhomes		T1		0	0	153.084
Townhome multiplex					0	153.084

...

Section 153.036 shall be amended as follows:

153.036 RESIDENTIAL DIMENSIONAL STANDARDS

	R-1	R-2	R-3	R-4	R-5
	Limited	General	Low Density	Redevelopment	High Density
Minimum lot area (public water and sewer required)					
Accessory Dwelling Unit (ADU)	In conjunction with Single Family Dwelling				Zone Standards
Single family dwelling/Duplex	6,500 sf	5,000 sf	10,000sf	4,000sf	Zone Standards
Duplex (Within designated hazard areas)	N/A	7,500 sf	N/A	6,500 sf	Zone Standards
Townhome Lots (2 lots) 153.084(C)	N/A	3,750 sf	N/A	3,250 sf	Zone Standards
Triplex	N/A	9,000 sf	N/A	8,000 sf	Zone Standards
Fourplex	N/A	10,500 sf	N/A	9,500 sf	Zone Standards
Additional area for each unit over 4	N/A	+1,500 sf	N/A	+1,250 sf	Zone Standards
Townhome Subdivision (3 or more lots) 153.094	N/A	As Approved	N/A	As Approved	Zone Standards
Townhome Multiplex	N/A	N/A	N/A	N/A	Zone Standards
Non-residential uses	Based on requirements of use--and preservation of residential character of neighborhood				Zone Standards
Min. Net Density for Subdivision ¹	3/acre	4/acre	2/acre	6/acre	12/acre
Max. Net Density for Land Division	Calculated based on "Net Density" definition				

Minimum lot area (no public water or sewer available) ²		
Single family dwelling	On existing lots or parcels only with approved water supply and sewage disposal system.	N/A
Accessory Dwelling Unit (ADU)	In conjunction with Single Family Dwelling with approved water supply and sewage disposal system.	

¹ The City may grant an exception to the minimum density standards based on site specific issues that make such density infeasible such as: steep slopes, floodplain, and wetlands.

² Water supplies are reviewed and sewage disposal systems are approved through the Crook County Community Development Department

	R1	R2	R3	R4	R5
Minimum Setbacks for structures (ft.):	<i>See 153.117 for exceptions to setbacks.</i>				
Front yard (local street)	10	10	10	10	0
Front yard (Collector or Arterial) ³	10	10	10	10	0
Carport/Garage entrance to Public street/Alley	20	20	20	20	20
Carport/Garage entrance to Public sidewalk	25	25	25	25	25
Side yard	5	5	5	5	0/5
Side yard corner lot (street side)	10	10	10	10	0
Side & Rear yard multi-story multi-family or 3 or more consecutive townhomes	10	10	10	10	0/5
Rear yard	10	10	10	5	0/20 ⁵
Rear yard corner lot	5	5	5	5	0/20 ⁵
Rear yard adjacent to alley	10	5	5	5	0
Accessory (no building permit)	3	3	3	3	3
Projections into setback ⁴	2	2	2	2	2

³ Plus that which is necessary to meet street and sidewalk right-of-way standards.

⁴ May project 2 feet into a setback provided the projection is not closer than 3 feet to a property line.

⁵ If the rear property line is adjacent to a residential zone, the setback is 20 feet.

Minimum Street Frontage (ft.):	<i>See 153.191(C) for exceptions.</i>				
Standard Street	50	50	100	40	Zone Standards
Cul-de-sac	35	35	50	35	Zone Standards
Townhome Lot (2 lots) 153.084 (C)	N/A	25	N/A	25	Zone Standards
Flag Lot	N/A	20	N/A	20	20
Townhome Subdivision 3 or more lots (153.094)	N/A	As Approved	N/A	As Approved	Zone Standards

	R1	R2	R3	R4	R5
Maximum Height (ft.): <i>Measured to the highest point from the natural grade, grade is averaged on sloped properties.</i>					
All Buildings/Structures	30 ft.	35 ft.	35 ft.	35 ft.	Design approval above 35ft.
Multi-family/3 or more consecutive Townhomes (side & rear setbacks)	N/A	Additional 1ft setback for every 1ft above 25ft	N/A	Additional 1ft setback for every 1ft above 25ft	Determined by adjacent use

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Section 153.080 shall be amended as follows:

153.080 ACCESSORY DWELLING UNITS & GUEST HOUSES

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(5) Parking. In addition to the requirements of the primary residence an accessory dwelling is recommended to provide at least 1 additional off street parking space to city standards.

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Section 153.084 shall be amended as follows:

153.084 Attached Single Family Housing, Townhomes & Townhome lots

(A) Attached Single Family Housing. Any 2 adjacent legal lots zoned for residential use may build single family homes attached at the lot line (*see Dwelling townhome definition*) in accordance with the Building code. All owner signatures are required.

(B) Townhomes. Other than townhomes developed under sections (A) and (C), 3 or more consecutive townhomes may be developed as part of a non-standard subdivision such as a cluster development or PUD. Townhomes shall comply with the standards in 1-4, below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas. Cluster Development standards can be found in section 153.094.

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(C) Townhome lots. Townhome lots allow for 2 unit townhomes outside of the cluster development standards (*section 153.094*). A Townhome lot is intended to allow for the development that looks, feels and acts like a duplex but allows for separate unit ownership of not only the building but the land as well. The following criteria shall be met for the approval of a Townhome lot.

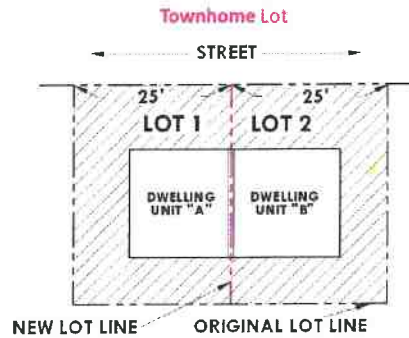
(1) Minor Partition. The process for creating a Townhome lot shall follow the process and platting procedures for a minor partition in section 153.160.

(2) Lots shall be restricted to site built homes attached by common wall. A deed restriction may be required and shall be recorded with the partition plat.

(3) Access. Driveways shall be combined unless an existing structure makes it impractical or in the case of a corner lot where units may face different streets.

(4) Townhome lot size. Each lot shall be approximately half the size of the original lot and/or meet the minimum dimensional standards listed in 153.036 for lot size and street frontage.

- (5) Structure. The structure itself shall meet all the dimensional standards of the required zone including parking.
- (6) Utilities. All utilities public and private shall be separate.



Section 153.085 shall be amended as follows:

153.085 OFF-STREET PARKING AND LOADING: PROVISIONS AND REQUIREMENTS.

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(E) Parking Table. Where the square feet of the structure or use are specified as the basis for the requirements, the area measured shall be the gross floor area primary to the functioning of the particular use of the structure and property. When the requirements are based on the number of employees and/or the number of occupants, customers or users, the number counted shall be the number of employees working on the premises during the largest shift at peak season, and the number of occupants, customers or users shall be counted as the maximum rated capacity. Fractional requirements shall be counted as a whole space. Off-street parking spaces meeting the minimum dimensional standards in 153.086(I), may include spaces in garages, carports, parking lots, and/or driveways if spaces are accessible and vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes). Parking spaces in a public street, including an alley, shall not be eligible as fulfilling any part of the parking requirement.

<i>Use Description</i>	<i>Minimum Requirements</i>
Residential	
Single Family Dwelling (includes townhomes)	2 spaces per dwelling
Duplex	1 space per dwelling.
Multi Family Dwelling (3 to 4 dwellings)	2 spaces per dwelling.
Multi-family Complex (5 or more dwellings)	2 spaces per dwelling for first 4 dwellings; 1.5 spaces per dwelling from 5 to 8 dwellings; 1.25 spaces per dwelling thereafter, plus 2 spaces for owner/manager.

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Accessory Dwelling	1 space recommended, not required.
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Section 153.094 shall be amended as follows:

153.094 CLUSTER DEVELOPMENT

Cluster Development. In any zone, a cluster development may be permitted when authorized in accordance with the procedures for the type of development and in accordance with the applicable subdivision standards set forth in this chapter.

(A) A cluster development is a development technique wherein structures or lots are grouped together around access courts or cul-de-sacs, or where lot sizes surrounding structures are reduced while maintaining the density permitted by the applicable zoning designation.

(1) A cluster development may be permitted to maintain open space, preserve natural features, reduce street and utility construction and to increase the attractiveness of a development and the surrounding area.

(2) Clustering may be carried out within the context of a subdivision, partitioning, PUD, re-platting of existing lots or other reviews provided for by this Chapter.

(3) Attached Single Family dwellings or Townhomes may be permitted by the reviewing authority pursuant to section 153.084, so long as the density of the applicable zone is not exceeded, provided that the overall design is considered to be in the best public interest and in the interest of the city.

(4) The reviewing authority may permit reduction in the minimum lot size or dimensional standards, setbacks or other standards of the applicable zone so long as the density requirements of the zone are maintained, and provided the overall design is considered to be beneficial to the residents of the development and to the city as a whole. An outline development plan (ODP) per section 153.157(B) may be required to regulate the initial development, including overall dwelling density and construction feasibility.

(5) The establishment of a Home Owners Association (HOA) shall be required to maintain common open space and amenities not otherwise maintained by the public.

(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 dwellings and duplexes, for an equivalent overall net density (see definition). Net density only refers to the creation of the lots not the number of dwellings allowed per lot.

(C) Factors to consider and/or require in the approval of a Cluster Development include, but are not limited to the following:

(1) Submittal of an outline development plan per section 153.157(B).

(2) Excellence in design and site utilization.

(3) Provision for a variety of housing or other use types.

(4) Maximization of cost-benefit ratios for purchasers and providers of public services and facilities.

(5) Preservation of significant natural, vegetative or other significant public benefitting features or resources.

(6) Inclusion of publicly available recreation, social, educational or other publicly beneficial uses and developments.

(7) Donation of land area for public purposes identified as a need in the area or in the community.

(8) Other factors beneficial to the general public, residents of the proposed development and the city as a whole.

Section 153.116 shall be amended as follows:

153.116 EXCEPTIONS TO LOT SIZE REQUIREMENTS.

(A) The following exceptions to minimum lot size requirements shall apply.

(1) If a lot or the aggregate of contiguous lots or parcels platted prior to the effective date of these standards has an area or dimension which does not meet the requirements of these standards, the lot or aggregate holdings may be put to use(s) permitted subject to the other requirements of the zone in which the property is located. A legal lot of record in a residential zone that is below the minimum size listed for a single family dwelling; shall be limited to 1 single family dwelling with 1 ADU or a duplex outside of a designated hazard area and meet all dimensional requirements. City Sewer and Water services shall be approved and provided.

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Section 153.191 shall be amended as follows:

153.191 LOTS AND BLOCKS.

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(F) Flag Lots. The intent of the following criteria is to promote infill in residential areas but not disrupt the existing nature of the neighborhood. It is also to provide dedicated public street access for these infill lots while avoiding the need for joint access easements that lead to neighbor disputes. Flag lots may be created by a boundary line adjustment, partition or subdivision with the following limitations:

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(4) Flag lots shall have a minimum street frontage of 20ft. for one non-accessory dwelling and 30ft. for two or more non-accessory dwellings.

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Other Minor Updates

Section 153.004 shall be amended as follows:

153.004 DEFINITIONS.

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Vendor Site (Court): A Property or portion thereof being so designated and/or developed with the intent of permanently placing and facilitating the operation of one or more vendors on a regular and continual basis.

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Section 153.035 shall be amended as follows:

153.035 RESIDENTIAL USE TABLE

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R1 R2 R3 R4 R5 Comments:

LAND DIVISION PROCESSES

Land Partition Minor (no new roads)	0	0	0	0	0	153.160
Land partition Major (new road)	T1	T1	T1	T1	T1	153.160
Lot consolidation	0	0	0	0	0	153.161
Non-Standard Subdivision	T2	T2	T2	T2	T2	153.159
Standard Subdivisions	T2	T2	T2	T2	T2	153.157
Townhome Lots (2-unit attached dwellings)		0		0	0	153.084(C)

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Section 153.037 shall be amended as follows:

153.037 COMMERCIAL & INDUSTRIAL USE TABLE

Eating & Drinking C1 C2 C3 C4 C5 M1 M2 IP Comments:

Bakery (retail / sit-down)	0	0		0	0				Limited wholesale allowed in conjunction with retail use.
Bar, Lounge, Tavern, Nightclub,	T1	T1			T1				Primarily serving alcohol
Brew Pub, Tap House (with Restaurant)	0	0		T1	0				May include Food Vendors

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Food Vendor Site (Court) (Truck\Trailer)	0	0		T1	0				Reviewed similar to a restaurant, may include beer or wine vendors.
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Land Division Processes

Land Partition Minor (no new roads)	0	0	0	0	0	0	0	0	153.160
Land partition Major (new road)	T1	T1	T1	T1	T1	T1	T1	T1	153.160
Lot consolidation	0	0	0	0	0	0	0	0	153.161
Non-standard subdivision	T2	T2	T2	T2	T2	T2	T2	T2	153.159
Standard Subdivisions	T2	T2	T2	T2	T2	T2	T2	T2	153.157

Section 153.086(I) shall be amended as follows:

(I) Except as may be approved or required otherwise by the reviewing authority the standards set forth in the following table shall be the minimum size to count as an off street parking space or drive aisle for parking lots, driveways, garages or carports approved under this section and this chapter (all figures are in feet).

<i>Parking Angle ft.</i>	<i>Stall Width ft.</i>	<i>Stall depth ft.</i>	<i>Curb Length ft.</i>	<i>Drive Aisle 1-way ft.</i>	<i>Drive Aisle 2-way ft.</i>
0° (parallel)	8	8	23	12.0	24
30°	9	17	18	12	24
45°	9	19	12.5	13	24
60°	9	20	10.5	18	24
90°	9	20	9	24	24
Driveway	10	20	10	12	24
Garage or Carport	10 (interior)	20 (interior)			

Section 153.095 shall be amended as follows:

153.095 MANUFACTURED HOMES; MOBILE HOMES; RV'S.

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(B) Manufactured home placement requirements.

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(6) Have exterior siding, trim and roofing materials that are similar in appearance and complementary to other homes in the same general area including the type, color and horizontal or vertical placement of materials as determined by the reviewing authority.

(7) Have a garage or carport constructed of like materials and color to the dwelling unit. An attached or detached garage may be required if consistent with the predominant construction of the immediate surrounding dwellings.

(8) Foundations/skirting

(a) All manufactured homes outside of a manufactured home park shall be placed on an excavated and back-filled foundation and enclosed at the perimeter in accordance with building code. Foundations shall be concrete, or block unless approved otherwise by the reviewing authority.

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Section 153.157 shall be amended as follows:

153.157 SUBDIVISIONS-APPLICATIONS.

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(B) Outline development plan (ODP). The submittal of an outline development plan in the subdivision application process is at the option of the applicant and/or developer unless required as part of a non-standard subdivision such as a planned unit development (PUD) or cluster development. If an outline development plan is prepared and submitted with the application for a subdivision, it shall include both maps and written statements as set forth in this division (B).

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(3) Approval of an outline development plan for a subdivision shall constitute only a conceptual approval of the proposed development for general compliance with the city's Urban Area Comprehensive Plan, applicable zoning and this chapter.

(4) Review and action on an outline development plan shall follow the requirements for review of land use action procedures, hearings and decisions in sections 153.254, 153.255 and 153.256.

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(I) Requirements for approval. The reviewing authority shall not approve an outline development plan (ODP) or a tentative plan for a subdivision unless the reviewing authority finds, in addition to other requirements and standards set forth by this chapter and other applicable city ordinances, standards and regulation, the following:

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Section 153.159 shall be amended as follows:

153.159 REVIEW NON-STANDARD SUBDIVISIONS.

Non-standard Subdivisions are subdivisions or development plans for subdivisions that do not conform to clear and objective standards. These include but are not limited to; Cluster Developments in section 153.094, Outline Development Plans (ODPs) in section 153.157(B) and Planned Unit Developments (PUDs) in section 153.158. Review of Non-standard subdivisions shall follow the process listed in the zoning use tables of this Chapter and follow the procedures and policies for land use action applications, hearings and decisions set forth in sections 153.254 through 153.256.

Section 153.160(B)(C) shall be amended as follows:

153.160 LAND PARTITIONING.

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(B) Definitions. For the purposes of this section and this chapter, the words and phrases shall have the meaning set forth herein.

PARTITIONING. To divide a lot, parcel or tract of land into 2 or 3 lots or parcels but does not include the following.

(a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of a cemetery lot.

(b) An adjustment of a property line by the relocation of a common boundary or lot consolidation where an additional unit of land is not created, and where the existing unit of land reduced in size by the adjustment complies with the applicable zoning.

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(C) Flag Lots and Townhome lots. The creation of a flag lot or townhome lot not part of a subdivision shall be considered a minor partition. For criteria regarding flag lots refer to section 153.191 (F). For criteria regarding townhome lots refer to section 153.084 (C).

Section 153.161 shall be amended as follows:

153.161 LOT CONSOLIDATIONS

The purpose of the section is to allow for the reconfiguration or elimination of lots without the requirements of a full subdivision or partition process. A lot consolidation is the actual removal or relocation of a lot line or lines. It is not the process of consolidating tax lots. All lot consolidations shall follow the same planning process as a boundary line adjustment and final plat map requirements of a partition, subdivision or re-plat as applicable. The following criteria shall apply:

(A) Consolidations may only result in the same number or fewer lots.

(B) Consolidations shall only be performed on contiguous lots.

(C) All lots created shall meet the minimum dimensional standards of the zone to include public street frontage. Exceptions may be made for lots that are currently non-conforming based on the original partition or subdivision, however; the intent of this criteria is for greater conformance.

(D) Each non-contiguous consolidation shall be a separate application. (E)

Consolidations shall not be used to substantially alter a subdivision outside of the subdivision process as determined by the Planning Director. A subdivision plat should only be used as an efficient means to re-plat multiple consolidations within the same subdivision that could otherwise be done individually without significantly altering the subdivision.

(F) Consolidations shall not be used to avoid public improvements that would otherwise be required or have been required by a land partition or subdivision such as the re-platting of a subdivision that has not yet been constructed.

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Section 153.162 shall be amended as follows:

153.162 REPLATS

(A) Per (ORS 92.010) A Re-plat is the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

(B) In practice the City of Prineville will process a re-plat the same as a lot consolidation, partition or subdivision depending on the amount of lots being created or eliminated or the type of plat being re-platted. The County surveyor shall make the final determination on whether a plat is titled as a re-plat, partition or subdivision.

(C) The re-plat of a portion of a recorded plat shall not act to vacate any recorded easements, covenants or restrictions.