

ORDINANCE NO. 1229

AN ORDINANCE AMENDING CHAPTER 153 AND 152 OF THE CODE OF PRINEVILLE (“CODE”) TO CORRECT ERRORS, AND PROVIDE CLARIFICATION OF LANGUAGE AND INTENT

WHEREAS, City of Prineville (“City”) staff compiled amendments to the City’s land use code (Chapter 153 and 152 of the Code) for review by the City Planning Commission at a workshop on held on June 21, 2016; and

WHEREAS, on June 21, 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 December 6, 2016; and

WHEREAS, on December 6, 2016, the City Planning Commission held a public hearing and approved the proposed amendments with changes; and

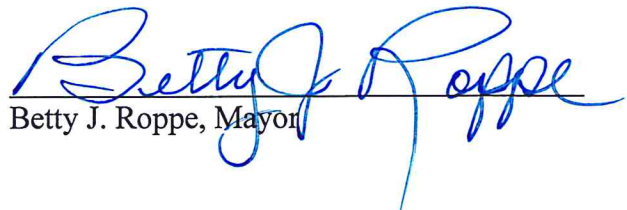
WHEREAS, on December 20, 2016, the City Planning Commission consented to the amendments and recommended the City Council approve the proposed amendments as shown on Exhibit A attached hereto and by this reference made a part hereof; and

WHEREAS, on January 24, 2017, the City Council held a public hearing on the amendments shown on Exhibit A and recommended one change to Exhibit A; and

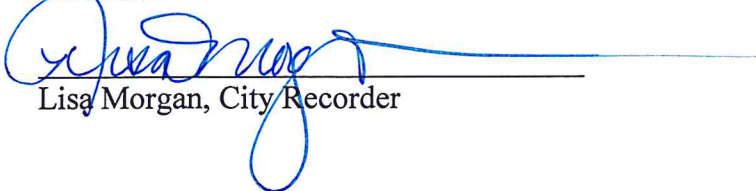
WHEREAS, the City Council’s recommended change to Exhibit A has been made;

NOW, THEREFORE, the people of the City of Prineville ordain that Chapter 153 & 152 of the Code of Prineville is amended as shown on Exhibit A.

Passed by the City Council the 28th day of February, 2017


Betty J. Roppe, Mayor

ATTEST:


Lisa Morgan, City Recorder

CHAPTER 153: LAND DEVELOPMENT
CHAPTER 152: SIGN CODE
City Council Approved Edits 1/24/2017

CHAPTER 153 LAND DEVELOPMENT CODE

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

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153.095 Manufactured Dwellings & RVs

...

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 primary use of the property or structure and located on the same lot or parcel as the primary use and/or structure.

...

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 dwelling in its specific zone. 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.

...

DWELLING

Accessory Dwelling Unit (ADU). A secondary living unit containing cooking facilities, including manufactured homes but excluding recreational vehicles (RVs) 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 the dimensional and other requirements of the zoning district in which it is located. See accessory structure for buildings not containing cooking facilities.

...

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). Multifamily 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.

...

...

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

MANUFACTURED DWELLING PARK. Any place where four or more manufactured dwellings 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.

...

MODULAR OR PREFABRICATED HOME. A dwelling unit constructed of multiple sections or components for assembly onsite, on a permanent foundation as a permanent residential structure, and when completed is essentially indistinguishable from a conventional site built home and conforms to the local building code and the current edition of the State of Oregon One and Two Family Dwelling Code.

...

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 designed for placement in manufactured home parks, RV parks or campgrounds.

...
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.

...
Section: 153.014(I) 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.

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.

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 dwellings	0	0	0	0	0	
Manufactured dwellings in an approved manufactured dwelling park including single-section manufactured homes		0		0		153.095
Manufactured dwelling park		T2		T2		153.083(F)

...
PUBLIC FACILITIES/UTILITIES

	R1	R2	R3	R4	R5	Comments:
Utility Towers	T2	T2	T2	T2		153.083(I,L)
Utility Towers (co-location)	0	0	0	0	0	153.083(I, L)

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 (not for density purposes)	N/A	3,750 sf	N/A	3,250 sf	Zone Standards

...

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

...

Max. Net Density for Land Division	Calculated based on "Net Density" definition.				
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...

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

...

Res./Acc. Uses (Cont.)

Temporary Manufactured Home or RV during construction.	0	0	0	0	0	0	0	0	0	153.095(D)
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...

Retail Uses

	C1	C2	C3	C4	C5	M1	M2	IP	Comments:
Bicycle Sales and Service	0	0			0				

...

Retail Uses (Cont.)

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

...

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, L)
Utility Co-location	0	0	0	0	0	0	0	0	153.083(I, L)

Section: 153.080 Accessory Dwelling Units & Guest Houses shall be amended as follows:

(A) An accessory dwelling, or guest house is a small, secondary living unit containing cooking facilities that may include manufactured homes but excludes recreational vehicles (RVs). The additional unit may be a detached unit, a unit attached to a garage, or in a portion of an existing house. An accessory dwelling unit shall not constitute grounds for future 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 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.

...

Section: 153.083(E)(G) 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 households within 250 feet of the boundaries of the affected property.

(G) Temporary 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 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 manufactured dwelling or RV parks for which construction has commenced within a reasonable distance.

(2) A manufactured 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 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.

...

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).

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

153.095 MANUFACTURED DWELLINGS & RVs

(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. For the purposes of these regulations, manufactured home sizes are permitted as follows

(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.

(3) General provisions.

(a) Manufactured homes are permitted as shown in the use tables of this chapter.

(b) 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 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.

Exhibit A, Ordinance 1229

(f) Manufactured home subdivisions as defined are only permitted as a Type II conditional use as shown in the use tables 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. (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.

...

(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 Building Code.

...

(D) Manufactured homes and RV's as temporary residences. A single-wide or single unit manufactured home, or recreation vehicle (RV), may be authorized as a temporary residence if found to comply with the following conditions.

(1) 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.

(b) Only one unit shall be allowed and 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.

(c) 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 (b) or not later than one month following the completion of the unit or placement of the manufactured home, whichever occurs first.

(d) Except in the case of a self-contained RV, public sewer and water connections shall be provided, as well as electric power.

(e) 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.

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

...
(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 manufactured home or RV in conjunction with a primary dwelling unit with the following findings and limitations.

...
(c) That no additions to the 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.

...
(f) That the subject 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.

(G) Manufactured Dwellings limited to parks. All single-wide manufactured dwellings shall be limited to a location within a duly approved manufactured 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.

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))

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 35 days prior to the date of the final hearing thereon. (O.R.S. 197)

Section: 153.252.020(B)(C) Notice.

(B) Posted Notice. Notice shall be posted at the discretion of the Planning Director..

(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.

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

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

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 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 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 153.258.060.

153.259.010(D)(2) Expiration of approval.

(D)... (2) Approval of an extension granted under 153.259.010(C) 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.

Section: 153.258.040(C)(1)(2) Transcript Requirement

(C)...(1) The inability of the Planning Department to supply appellant with a recording of the prior proceeding; or

(2) Defects on the 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.

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.
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.

Section: 152.41 Roof Signs shall be amended as follows:

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

1. In lieu of a wall sign, 1 roof sign 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.