

ORDINANCE NO. 1248

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

WHEREAS, City of Prineville (“City”) staff compiled amendments to the City’s land use code (Chapter 153 and 153C of the Code) for review by the City Planning Commission at two workshops held on August 21, 2018 and September 18, 2018; and

WHEREAS, on September 18, 2018, 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 16, 2018; and

WHEREAS, on October 16, 2018, the City Planning Commission held a public hearing and 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 153.233 of the Code, required notice was published once a week for two consecutive weeks prior to the City Council hearing scheduled for November 13, 2018; and

WHEREAS, on November 13, 2018 the City Council held a public hearing on the amendments shown on Exhibit A; and

WHEREAS, the City Council’s approved the amendments to the code; and

NOW, THEREFORE, the people of the City of Prineville ordain as follows:

1. That Chapter 153 & 153C of the Code of Prineville is amended as shown on Exhibit A
2. An emergency is declared to exist and this Ordinance shall go into effect immediately.

Presented for the first time at a regular meeting of the City Council held on November 13, 2018, and the City Council finally enacted the foregoing ordinance this ____ day of November, 2018.

Betty J. Roppe
Mayor

ATTEST:

Lisa Morgan, City Recorder

**CHAPTER 153.083(G): TEMPORARY MANUFACTURED DWELLING OR RV PARK.
CHAPTER 153C: TEMPORARY WORKER HOUSING**

**Final Draft Temporary Worker Housing Changes 2018
CC Ready**

Section 153.083(G) shall be amended as follows:

(G) Temporary Worker Housing. See Chapter 153C for Onsite or Offsite Temporary Worker housing.

Chapter 153C shall be amended as follows:

CHAPTER 153C: TEMPORARY WORKER HOUSING

153C.001

This chapter shall be known as the "TEMPORARY WORKER HOUSING" Ordinance for the City of Prineville, Oregon ("City").

153C.002 PURPOSE.

The Prineville City Council takes seriously the economic conditions within the City. To this end, the City Council wants to ensure that economic investment and development of businesses within Prineville are supported by land use regulations which help them achieve their goals. The City Council also takes seriously the quality of life in Prineville and to this end wishes to create land use regulations which combine local business opportunities and quality of life in harmonious manner and at the same time preserves the history of Prineville.

Large construction projects that demand large populations of temporary workers can create short term pressure on the local housing market making homes less affordable for residents. Large volumes of temporary workers can occupy a large number of transient housing such as motels and RV parks limiting the number of those units available to visitors who are also an important economic contributor to the community.

In response to this, the City of Prineville has developed the following Temporary Worker Housing land use code. The intent of this code is to allow for the housing needs of a large temporary workforce while minimizing any adverse impacts on the local housing market.

153C.003 APPLICATION.

(A) The City of Prineville must be provided an application on a form acceptable to the City for development of a Temporary Working Housing Site.

(1) The written application shall come from either the land owner of the project, the company for whom the project is being built, or from one of the primary general contractors or sub-contractors for a project, here after referred to as (the "Applicant").

(2) The term "project" shall mean the development for which the Temporary Worker Housing is for.

153C.004 GENERAL CRITERIA

(A) Approval of Onsite or Offsite Temporary Worker Housing may only be granted if the following conditions are met.

(1) There is no available space or inadequate space available in existing or planned housing developments, RV parks or other Temporary Worker Housing Sites for which construction has commenced within a reasonable distance.

(2) The temporary housing is necessary for the proper housing of the subject company's employees until the project is finished.

(3) The subject facility will not be occupied by any parties not employed by the project other than immediate family.

(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 project to be served thereby, or for a period determined by the City, whichever is less. (see sections 153C.005 or 153C.006 for duration of approval)

153C.005 ONSITE TEMPORARY WORKFORCE HOUSING

The City may approve Onsite temporary housing including RV parks for the establishment of housing for the workers of a specific project that meets the following criteria. Temporary manufactured dwelling parks are allowed based on ORS 446.105 and require State and local approval.

(A) Approval of Onsite Temporary Worker Housing may only be granted if the general criteria and the following conditions are met.

(1) Each Temporary Worker Housing site:

(a) Shall be located on the property owned or occupied by the project requiring the temporary workforce.

(b) Shall be served by weekly trash removal service;

(c) Shall be located no closer than 600 feet from an industrial structure already built or being built unless approved otherwise by the Fire Marshall.

(d) Shall comply with City, County and State access permit requirements as applicable;

(e) Shall consider future development of the site in placement of required infrastructure.

(f) Shall pay City room tax if applicable for each space at a Temporary Worker Housing Site equal to and using the same process as the City's transient room tax requirements.

(g) Shall pay City System Development Charges (SDCs) as determined by the City Engineer.

(2) Each Temporary Worker Housing Site Space:

(a) May be a single unit structure, shared structure or RV space.

(b) Shall be occupied by at least one worker employed by the landowner of the project, the company for whom the project is being built, or from the primary general contractor or sub-contractor for the project being built;

(c) Shall be served by a road, electricity, water and sewer as approved by the City Engineer, in accordance with Oregon Building Code requirements as approved by the Building Official, in accordance with the Oregon Fire Code as approved by the Fire Marshall.

(d) Shall meet the City's standards for the health, safety and welfare of the occupants.

(B) Approval process.

(1) The approval process for Onsite Temporary Worker Housing shall follow City's "Outright" use application process with notice found in the City of Prineville Land Use Code Chapter 153. Onsite Temporary Worker Housing may also be approved as part of the development it will serve.

(C) Duration of Approval.

(1) The Temporary Worker Housing site may continue to operate until the project is deemed complete by the City Manager or its designee. Evidence of project completeness may include, but is not limited to, the issuance of a Certificate of Occupancy by the Crook County Building Department.

(2) At such time the project is deemed complete, the Temporary Worker Housing shall be removed and the infrastructure for water, sewer and electrical shall be removed or capped if not designed for a future development allowed outright or by conditional use permit in the zone.

153C.006 OFFSITE TEMPORARY WORKFORCE HOUSING

The City may approve an Offsite temporary RV park for the establishment of housing for the workers of a specific project that meets the following criteria.

(A) Approval of Offsite Temporary Worker Housing may only be granted if the general criteria and the following conditions are met.

(1) Offsite Temporary Worker Housing is only available for a project:

(a) With a projected value of \$10,000,000.00 or greater as calculated by the Building Official, not including land value and has a valid land use approval and building permit for the project;

(b) That currently employs more than 200 construction workers at the project site;

(2) Each Temporary Worker Housing Site:

(a) Shall be located in the Light Industrial (M1), Heavy Industrial (M2), or Industrial Park (IP) zones;

(b) Shall be served by weekly trash removal service;

(c) Shall be located on a parcel of land at least six acres in size;

(d) Shall be located no closer than 600 feet from an industrial structure already built or being built unless approved otherwise by the Fire Marshall.

(e) Shall comply with City, County and State access permit requirements as applicable;

(f) Shall consider future development of the site in placement of required infrastructure.

(g) Shall pay City room tax if applicable for each space at a Temporary Worker Housing Site equal to and using the same process as the City's transient room tax requirements.

(h) Shall pay City System Development Charges (SDCs) as determined by the City Engineer. Paid SDCs shall be credited toward future development in accordance with City policy.

(3) Each Temporary Worker Housing Site RV Space:

(a) Shall be occupied by at least one worker employed by the landowner of the project, the company for whom the project is being built, or from the primary general contractor or sub-contractor for the project being built;

(b) Shall be served by a road, electricity, water and sewer as approved by the City Engineer, in accordance with Oregon Building Code requirements as approved by the Building Official, in accordance with the Oregon Fire Code as approved by the Fire Marshall and Recreational Vehicle Park requirements as required by Oregon law;

(B) Approval process.

(1) The approval process for an Offsite Temporary Worker Housing Site shall follow City's Type 2 Conditional Use Permit process and fee structure found in the City of Prineville Land Use Code Chapter 153 and the City of Prineville adopted fee structure. (The Type 2 Conditional Use Permit requires Planning Commission review and approval.)

(C) Duration of Approval.

(1) The Temporary Worker Housing site may continue to operate until the project is deemed complete by the City Manager or its designee. Evidence of project completeness may include, but is not limited to, the issuance of a Certificate of Occupancy by the Crook County Building Department.

(2) At such time the project is deemed complete, and within 90 days, the Temporary Worker Housing shall be removed and the infrastructure for water, sewer and electrical shall be removed or capped if not designed for a future development allowed outright or by conditional use permit in the zone.

(3) The Temporary Worker housing Site may be reauthorized by the City for a new project that meets the same criteria for need, without a new application. Reauthorization shall require a letter of need from either the land owner of the project, the company for whom the project is being built, or from one of the primary general contractors or sub-contractors for a project.

(4) Approvals of Temporary Worker Housing projects prior to the adoption of this ordinance shall be allowed to comply with the new standards.

(5) In the event that a Temporary Housing Unit is not removed pursuant to Section 153C.006(C)(2); or reauthorized pursuant to Section 153C.006(C)(3), the City may in addition to other legal remedies, seek injunctive relief through Circuit Court of Crook County and if the City prevails, the offending party shall be responsible for all costs and attorney fees in the enforcement action.