

**ORDINANCE NO. 1249**

**AN ORDINANCE AMENDING CHAPTER 153 OF THE CODE OF PRINEVILLE (“CODE”)  
ADDING CREMATORIUM AS A TYPE II CONDITONAL USE IN THE C2 ZONE**

WHEREAS, City of Prineville (“City”) staff compiled amendments to the City’s land use code (Chapter 153 section 153.037) 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 amendment and recommended the City Council approve the proposed amendment 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 amendment shown on Exhibit A; and

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

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.

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

**Section 153.037 shall be amended as follows:**

...

<b>Service Commercial Uses</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>C4</b>	<b>C5</b>	<b>M1</b>	<b>M2</b>	<b>IP</b>	<b>Comments:</b>
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Mortuary, Funeral Home (with crematorium)		T2				T1	T1		

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**City of Prineville**  
DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT  
PLANNING COMMISSION RECOMMENDATION

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**File No.:** AM-2018-103  
**Applicant/Owner:** City of Prineville  
**Location:** City of Prineville, specifically the C2 zone  
**Workshops:** 8/21/2018 & 9/18/2018  
**Notice to DLCD:** 08/30/2018  
**Newspaper Notice:** Planning Commission Notice – 10/2/2018 & 10/9/2018  
**Public Hearing:** Planning Commission – 10/16/18  
**Staff:** Joshua Smith,  
Planning Director  
**Proposal:** Add the crematorium use to the C2 zone as a type 2 conditional use, as it was in the 1998 version of the Land use code.

**Background**

During the 2011 code update process, the uses within each zone were converted to a table format for easier reference. During the initial conversion process it appears the use of a funeral home & crematorium in the C2 and C1 zones as a type 2 conditional use was omitted when it was separated into two use categories (shown below). The Planning Commission at the time edited the tables line by line, determining the best zones for each use. The Commission rarely removed a use completely if it was a previous use. In this case they may have omitted it because of the perception that it wasn't there to begin with.

During the workshop meeting on August 21<sup>st</sup> 2018, staff mentioned the issue to the Commission and the possible cause. In review, the Commission agreed the omission may have been in error for the C2 zone but not the C1 zone. They stated that the existing crematorium in the C2 zone has had no issues and that the C1 downtown zone is not an appropriate location for that type of use. The Commission directed staff to update the use tables to include crematoriums in the C2 zone as a Type 2 conditional use.

**Code History**

**1. Original 1998 code**

**§ 153.050 GENERAL COMMERCIAL C-2 ZONE.**

(C) Conditional uses permitted. In a C- 2 Zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of this section and § 153.135 et seq.

(2) Type II conditional uses.

(1) Mortuary, undertaking or funeral parlor, crematorium or mausoleum.



AM-2018-103  
 Crematorium in the C2 Zone

**2. Conversion to table form omitted use in C2 zone?**

<u>Use Classification</u>	C-1	C-2	C-3	C-4	C-5	M-1	M-2	M-3
Mortuary, Funeral Home	C2	C2						
Mortuary, Funeral Home (with crematorium or mausoleum)						C1		

**3. It remained omitted through the hearings process and final edits.**

Mortuary, Funeral Home	<del>T1</del> <del>T2</del>	<del>T1</del> <del>T2</del>						
Mortuary, Funeral Home (with crematorium or mausoleum)						T1	<u>T1</u>	

**Public Hearing:** No public comments were received at the public hearing. During deliberations the Planning Commission agreed that the change was what they asked for and recommended it be brought to Council for adoption. Bob Orlando made a motion to approve the draft text amendment. Priscilla Smith seconded the motion and the motion passed with 5 in favor and none opposed.

**PC Conclusions and Recommendation**

The proposed amendment will correct what has been identified as an error made in a previous code update. The Planning Commission recommends this amendment be adopted by City Council. The proposed changes will not effect property values or impose new regulations, therefore; a Measure 56 notice is not required.

The proposed amendment is provided in track changes as "Exhibit A".

**EXHIBITS**

Exhibit A – Recommended Amendment

Marty Bailey: *Marty Bailey* Date: 10.18.18  
 Planning Commission Chair

EXHIBIT A

**CHAPTER 153.037: COMMERCIAL & INDUSTRIAL USE TABLES**  
**Adding crematorium as a Type II conditional use in the C2 zone**

Section 153.037 shall be amended as follows:

...

<b>Service Commercial Uses</b>	<b>C1</b>	<b>C2</b>	<b>C3</b>	<b>C4</b>	<b>C5</b>	<b>M1</b>	<b>M2</b>	<b>IP</b>	<b>Comments:</b>
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...

Mortuary, Funeral Home	T1	T1							
Mortuary, Funeral Home (with crematorium)		T2				T1	T1		

...

**Purpose:** Add the crematorium use to the C2 zone as a type 2 conditional use, as it was in the 1998 version of the Land use code.