

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

The three dots “...” represent text that is not being changed.

HB 2001 Changes

Table of contents shall be amended as follows:

...

Supplementary Provisions

...

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

...

Subdivisions, Partitions, Lot consolidations & Replats

...

[153.159](#) [Review Non-Standard Subdivisions](#) ~~Subdivision and PUD review~~

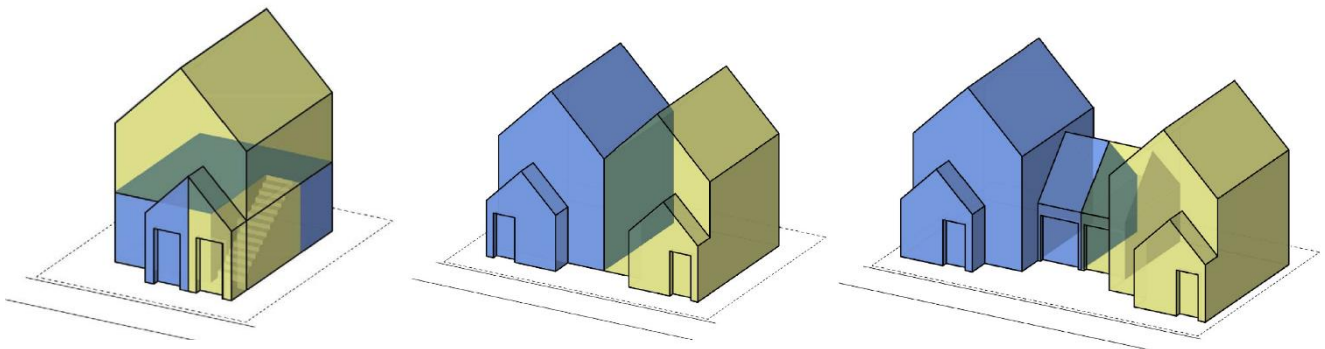
...

Section 153.004 shall be amended as follows:

153.004 DEFINITIONS.

...

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



...

Purpose: Add “common wall” to clarify the term that is referenced in Dwelling definitions below.

DWELLING. As follows:

Accessory Dwelling Unit (ADU). A secondary ~~living dwelling~~ unit ~~containing cooking facilities~~, including manufactured homes but excluding recreational vehicles (RVs) ~~and that~~ shall only be used in conjunction ~~with and subordinate to~~ ~~with~~ a single family ~~home 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 ~~buildings-structures~~ not ~~containing cooking facilities~~ meeting the dwelling unit definition.

Single Family Dwelling. ~~Means A detached building containing one~~ 1 dwelling unit on a single lot or parcel designed for occupancy by 1 family or ~~one~~ household only.

Duplex. ~~Means 2 A detached building containing two~~ dwelling units on a single lot or ~~parcel duplex lot 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 is~~ 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. ~~A detached building containing~~ 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. ~~if it is functioning as a complex or if it appears a development is purposely trying to subvert the multifamily complex code.~~ 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 A single lot containing five~~ 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 ~~horizontally in a linear arrangement with each unit on its own separate~~ 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.

Purpose: Adding and changing definitions to clarify terms and allow the separation of site built units for duplex, triplex and fourplex under certain circumstances. The original reason for connecting buildings is for efficient construction use of land, but also to prevent dissimilar structures that reduce the aesthetics of a neighborhood. Allowing an option to separate units would help with infill of existing duplexes and triplexes where there is room for more units but connecting them is not practical.

DWELLING UNIT. A ~~building~~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 ~~one~~1 family or ~~one~~ household.

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.

~~Duplex~~Townhome Lot. ~~A lot containing 1 dwelling unit of a duplex dwelling structure.~~Refers to a lot created under section 153.084(C) or through a cluster development subdivision under 153.094.

Purpose: Minor changes to dwelling definition. Delete “Duplex lot” definition and replace with “Townhome lot” to prevent confusion with actual duplexes. The end product is essentially 2 townhomes anyway so it makes sense to call it that.

Section 153.016 shall be amended as follows:

153.016 MUNICIPAL SEWER AND WATER REQUIRED

(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 ~~allowed by another section~~exempted in this chapter.

(D) Existing residences, replacement residences, ~~or~~ 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.

Purpose: Clarification of language and inclusion of duplexes as required by HB 2001.

Section 153.035 shall be amended as follows:

153.035 RESIDENTIAL USE TABLE

Residential/Accessory Uses	R1	R2	R3	R4	R5	Comments:
Two-family dwelling or d Duplex	<u>0</u>	0	<u>0</u>	0	0	153.084 <u>Excludes hazard areas in R1 & R3 zones</u>
Triplex or four-plex, including condominiums, apartments or townh <u>o</u> uses		T1		0	0	153.084
Townh <u>o</u> use multiplex					0	153.084

Purpose: Add duplex as an outright use in all residential zones with hazard area restrictions in the R1 & R3 zones. Change townhouses to townhomes to be consistent.

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) ^{1,2}					
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
Two-family dwelling Duplex (Within designated hazard areas)	N/A	7,500 sf	N/A	6,500 sf	Zone Standards
Duplex Townhome Lots (2 lots) 153.084(C) (not for density purposes)	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 use Lot Subdivision (3 or more lots) 153.094 (not for density purposes)	N/A	3,000-sf As Approved	N/A	2,500-sf As Approved	Zone Standards
Townhome use Multiplex Lot (not for density purposes)	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 ³¹	3/acre	4/acre	2/acre	6/acre	12/acre
Max. Net Density for Land Division	Calculated based on "Net Density" definition				

Purpose: Add Duplex to Single Family lot size as required by HB 2001. Keeping original duplex dimensional standards for hazard areas only, such as within the floodplain.

Change name of "Duplex lot" to "Townhome lot" to prevent confusion with actual duplexes.

Change "Townhome lot" to "Townhome subdivision". This was originally meant to set a minimum size for townhome lots in a subdivision, but it doesn't work for interior lots.

Townhome lots sizes and design should be approved by the Planning Commission as part of a cluster development.

Minimum lot area (no public water or sewer available) ²⁴		
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 Must have public water and sewer in R 1, R 2, R 4 and R 5 zones but may be community system(s) in R-3 zone.~~

~~² Unless classified as a multi-family dwelling complex, minimum lot area shall be calculated as the cumulative total square footage required for each type of building on the site.~~

³¹ 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.

⁴² Water supplies are reviewed and sewage disposal systems are approved through the Crook County Community Development Department

Purpose: Remove footnote that allows community water and sewer systems in the R3 zone. This would be determined by the City standards and specifications not land use.

Remove footnote referring to minimum lot area required for total of building types. This was used as a way to encourage multifamily as it would take less property to build a duplex than two single family homes and so on. With the combining of single family and duplex lot sizes and allowing an option to separate site built multifamily units, this footnote is no longer logical or needed.

	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) ³⁵	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 attached homes multi-family or 3 or more consecutive townhomes	10	10	10	10	0/5
Rear yard	10	10	10	5	0/20 ⁵⁷
Rear yard corner lot	5	5	5	5	0/20 ⁵⁷
Rear yard adjacent to alley	10	5	5	5	0
Accessory (no building permit)	3	3	3	3	3
Projections into setback ⁴⁶	2	2	2	2	2

³⁵ Plus that which is necessary to meet street and sidewalk right-of-way standards.

⁴⁶ May project 2 feet into a setback provided the projection is not closer than 3 feet to a property line.

⁷⁵ If the rear property line is adjacent to a residential zone, the setback is 20 feet.

Purpose: Add “structure” to the heading as that is what we define and changed all the footnote numbers.

Change side and rear setback to only apply to multi-story, multifamily and 3 or more consecutive townhomes homes. This was really meant to avoid large structures from being too close to single family homes. As written it has been applied to duplexes and two unit townhomes. Two unit townhomes essentially function as duplexes and duplexes cannot be treated differently than single family per HB 2001.

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
Duplex <u>Townhome</u> Lot (2 lots) 153.084 (C)	25 N/A	25	N/A	25	Zone Standards
Flag Lot	N/A	20	N/A	20	20
Townhome <u>Lots Subdivision</u> <u>3 or more lots (153.094)</u>	N/A	As Approved	N/A	As Approved	Zone Standards

Purpose: Change name of “Duplex lot” to “Townhome Lot” and remove frontage from R1 zone. This is an error as townhome lots are not allowed in the R1 zone.

Add townhome subdivision for 3 or more townhomes, frontage is approved as part of a cluster development.

	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/ <u>Structures</u>	30 ft.	35 ft.	35 ft.	35 ft.	Design approval above 35ft.
Multi-family/ <u>3 or more consecutive</u> 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

Purpose: Add the word “structure” as that is what we define. Modify height requirement to not apply to 2 unit townhomes that are essentially the same impact as a duplex.

Section 153.080 shall be amended as follows:

153.080 ACCESSORY DWELLING UNITS & GUEST HOUSES

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

Purpose: Comply with HB 2001 that prohibits additional parking for ADUs.

Section 153.084 shall be amended as follows:

153.084 Attached Single Family Housing, Townhomes & ~~Duplex~~ Townhome lots

(A) Attached Single Family Housing. Any 2 adjacent legal lots zoned for ~~single family homes~~ residential use may build ~~2~~ 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 (as part of a cluster development, or PUD or R-5 zone)~~. Other than townhomes developed under sections (A) and (C), 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.

(C) ~~Duplex~~ Townhome lots. ~~Duplex~~ Townhome lots ~~essentially~~ allow for 2 unit townhomes outside of the cluster development standards (section 153.094). A ~~duplex~~ 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 ~~duplex~~ Townhome lot.

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

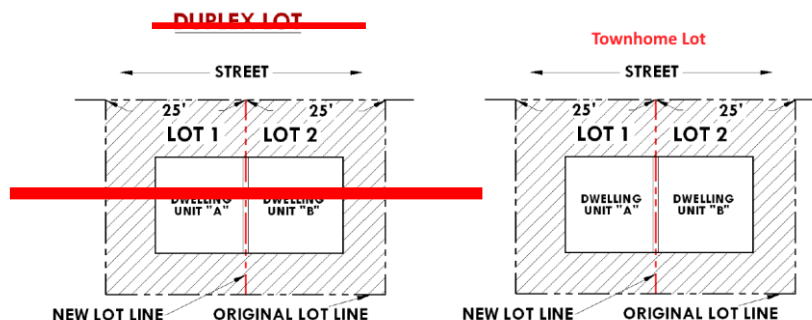
(2) Lots shall be restricted to site built attached homes attached by common wall only. A deed restriction may be required and shall be recorded with the partition plat.

(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. ~~Original lot size. The original lot shall meet at least the current minimum lot size standard of the applicable zone and street frontage requirements including cul-de-sac standards.~~

(4) ~~Duplex~~ Townhome lot size. Each ~~duplex~~ lot shall be at least 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. ~~at least half the size of the current required 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.



Purpose: With changes in duplex requirements in HB 2001, the language has been cleaned up and again the term "Duplex Lot" has been changed to "Townhome lot" to prevent confusion. Other Language has been cleaned up to reflect changes in duplex lot sizes.

Section 153.085 shall be amended as follows:**153.085 OFF-STREET PARKING AND LOADING: PROVISIONS AND REQUIREMENTS.**

...

(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). ~~and~~ 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>
<i>Residential</i>	
Single Family Dwelling & Duplex (includes townhomes)	2 spaces per unit, including driveways and garage approaches.
<u>Duplex</u>	<u>1 space per dwelling.</u>
Multi Family Dwelling (3 to 4 attached units) (includes townhomes)	2 spaces per unit, including driveways and garage approaches.
Multi-family	1.5 spaces per unit <u>dwelling for first</u> from 5 to 8 units; 1.25 spaces per each unit thereafter, plus 2 spaces for owner/manager.
Accessory dwelling	1 space per dwelling unit.

...

...

Purpose: Our current code does not stated what constitutes a parking space other than dimensions. In practice the City has counted any off-street accessible space that is typical for a vehicle.

HB 2001 states that no more than 1 off-street parking space per unit can be required for duplexes. Due to that, these changes would leave single family the same and make all multifamily developments the same for a more logical progression. This would have the effect of reducing a triplex from 6 spaces to 5 and a fourplex from 8 spaces to 6. In practice we will still likely see 2 spaces per dwelling as most build at least single car garages with driveways.

HB 2001 states that no off-street parking space can be required for Accessory Dwellings.

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. ~~Duplex lots are exempt from the cluster development criteria.~~

(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 ~~ordinance~~[Chapter](#).

(3) Attached Single Family dwellings [or Townhomes](#) may be permitted by the ~~Planning Commission~~[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 ~~Planning Commission~~[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 openspace 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, units~~ 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.

Purpose: Replace “Planning Commission” with “reviewing authority” because the use tables should determine the review process not the body of the code.

Add an Outline Development Plan requirement. Cluster developments allow smaller than standard lots, which becomes a challenge to approve, with HB 2001 allowing duplexes on any residential lot. An Outline Development Plan would help initially regulate what is approved and ultimately developed on each lot.

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 ~~Lots that are pre-existing in a residential zones that are 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 per lot meet all dimensional requirements. City Sewer and Water services shall be approved and provided.

...

Purpose: There are many properties that may have been created legally that do not meet current dimensional standards. In this case the City currently allows at least a 1 single family dwelling. With additions to the code for ADUs and HB 2001 requirements, the maximum, per legal lot would now be 1 single family home with ADU or a duplex outside a hazard area.

Section 153.191 shall be amended as follows:

153.191 LOTS AND BLOCKS.

...

(F) Flag Lots. The intent of the following criteria ~~a flag lot or lots~~ 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:

...

(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. ~~for multifamily including duplexes shall require a 2-way access width of at least 30ft.~~

Purpose: The first paragraph of section (F) is a statement of intent not regulatory code. It's not the intent of a “flag lot” to promote infill, it's the intent of the “criteria” to regulate flag lots.

(F)(4) regulates the width of street frontage for a flag lot. Under HB 2001 we can't treat duplexes differently; therefore, in order to keep the larger two-way traffic width for flag lots proposing multiple dwellings the terminology has to change. “Access” was changed to “street frontage”, which was the original intent and specific building types were removed and replaced with the number of non-accessory dwellings.

House Cleaning Changes

Section 153.004 shall be amended as follows:

153.004 DEFINITIONS.

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.

Purpose: Our transient Merchant licenses or vendor permits are being taken advantage of; particularly by food vendors, to create what amounts to a permanent commercial use. Adding a definition to the land use code will help to separate permanent use from truly transient or temporary uses.

Section 153.035 shall be amended as follows:

153.035 RESIDENTIAL USE TABLE

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
<u>Lot consolidation</u>	<u>Q</u>	<u>Q</u>	<u>Q</u>	<u>Q</u>	<u>Q</u>	<u>153.161</u>
<u>Non-Standard Subdivision</u>	<u>T2</u>	<u>T2</u>	<u>T2</u>	<u>T2</u>	<u>T2</u>	<u>153.159</u>
<u>Standard Subdivisions (4 or more lots)</u>	T2	T2	T2	T2	T2	153.157
Duplex <u>Townhome</u> Lots (<u>2-unit</u> attached <u>dwellings</u>)		0	Ø	0	0	153.084(C)
Townhouse Lots (attached), 3-4 attached units		T1		Ø	Ø	153.084
Townhouse Lots (attached), 5-10 attached units		T2		T2	Ø	153.084
Townhouse Lots (attached), more than 10 attached units		T2		T2	Ø	153.084

Purpose: Include lot consolidations, non-standard and standard subdivisions in the use table. No real change just a reference to those types of land division processes.

Change name of duplex lots to townhome lots.

Remove Townhome lot division from R3 zone, this is an error as there is no dimensional standard listed for that zone in 153.036.

Eliminate townhouse lot subdivisions from the use table. Subdividing for 3 or more townhomes is essentially a cluster development typically reviewed by the Planning Commission. The original idea of separating out townhome subdivisions was to review them similar to multifamily, but they don't function the same with individual owners. There are lot density, openspace, maintenance and community issues to consider when creating these types of lots.

Section 153.037 shall be amended as follows:**153.037 COMMERCIAL & INDUSTRIAL USE TABLE**

<u>Eating & Drinking</u>	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, Brew Pub / with Restaurant	T1 2	T1 2			T1 2				Primarily serving alcohol
Bar, Lounge, Tavern, Nightclub, Brew Pub, Tap House (with Restaurant)	T2 0	T2 0		T1	0				May include Food Vendors
...									
Food Vendor Site (Court) (Truck\Trailer)	0	0		T1	0				Reviewed similar to a restaurant, may include beer or wine vendors.
...									

Purpose: Correct a typo. Change the process type for establishments serving alcohol. Establishments primarily serving alcohol would still be a conditional use, but not require a Planning Commission hearing unless there is an issue. The more common Brew Pub or Tap house would be reviewed more like the restaurants that they are. Food vending sites have also been added as a specific use due to increased activity. These could be allowed in industrial zones where restaurants are not.





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 (4 or more lots)	T2	T2	T2	T2	T2	T2	T2	T2	153.157

Purpose: Include lot consolidations, non-standard and standard subdivisions in the use table. No real change just a reference to those types of land division processes.

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 that follows](#) 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 ~~except as noted~~).

<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)	8.58	8.58	23.023	12.0	24
20°	8.5	14.5	24.9	11.0	
30°	8.59	16.917	17.018	11.012	24
40°	8.5	18.7	13.2	12.0	
45°	8.59	19.419	12.012.5	13.512	24
50°	8.5	20.0	11.1	12.5	
60°	8.59	20.720	9.810.5	18.518	24
70°	8.5	20.8	9.0	19.5	
80°	8.5	20.2	8.6	24.0*	
90°	8.59	19.020	8.59	25.0*24	24
Driveway	10	20		12	24
Garage or Carport	10 (interior)	20 (interior)			

Purpose: The current table does not coincide with what we do on our public streets. Dimensions for driveways and garages were added because it is not clearly stated in the current code. Generally the 90 degree standard was used, however a functional driveway or interior space is generally 10x20.

Section 153.095 shall be amended as follows:**153.095 MANUFACTURED HOMES; MOBILE HOMES; RV'S.**

...
 (B) Manufactured home placement requirements.
 ...

(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.](#)

...

Purpose: Clarifying requirements allowed by ORS. There have been recent issues with foundation requirements and neighborhood compatibility.

The City currently requires a garage or carport with new manufactured home placement, however the ORS allows a City to require an attached or detached garage if it predominant in the surrounding area.

Section 153.157 shall be amended as follows:

153.157 SUBDIVISIONS-APPLICATIONS.

(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).

(3) ~~Commission~~ 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) ~~Commission~~ 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.

(I) Requirements for approval. The ~~Commission~~ reviewing authority shall not approve an outline development plan (ODP) or a tentative plan for a subdivision unless the ~~Commission~~ 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:

Purpose: Make it clear that ODPs can be required for non-standard subdivisions. Replace "Commission" with "reviewing authority" because the use tables should determine the review process not the body of the code.

Section 153.159 shall be amended as follows:**153.159 ~~SUBDIVISION AND PUD 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.

~~Review of a subdivision or planned unit development shall follow the procedures and policies for land use applications, hearings and decisions set forth in sections 153.254 through 153.256 et seq.~~

~~(A) Public hearing and notice required. Neither an outline development plan nor a tentative plan for a proposed subdivision or PUD may be approved unless the Planning Commission first advertises and holds a public hearing thereon. Notice of the hearing shall, at a minimum, be provided as required by this chapter for a conditional use type II.~~

Purpose: This section is really unnecessary as the review process is already established for in our procedures ordinance. This section could be deleted but it is a good place to list the type of subdivisions that are considered non-standard and create a place holder if we ever wanted to expand on the criteria.

Section 153.160(B)(C) shall be amended as follows:**153.160 LAND PARTITIONING.**

... (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.

... (C) Flag Lots and ~~Duplex~~ Townhome lots. The creation of a flag lot or ~~duplex~~ 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~~B).

Purpose: Minor clarification that lot consolidations are excluded from the partition process as stated in the lot consolidation criteria.

Replace the term duplex with townhome due to changes in other sections and update the code reference.

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, ~~or~~ 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.

~~(A) — Lot consolidations resulting in a single lot.~~

- ~~_____ (1) — May be performed on contiguous lots resulting in a single lot.~~
- ~~_____ (2) — A lot consolidation is the actual removal of a lot line or lines not just the consolidation of tax lots.~~
- ~~_____ (3) — Lot 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.~~
- ~~_____ (4) — Each non-contiguous consolidation shall be a separate application.~~
- ~~_____ (B) — Lot consolidations resulting in the same or fewer lots.~~
 - ~~_____ (1) — The purpose of the section is to allow for the reconfiguration of lots without having to go through a full subdivision or partition process. The applicant shall meet the following criteria:~~
 - ~~_____ (a) — All lots shall meet the minimum dimensional standards of the zone, to include public street frontage.~~
 - ~~_____ (b) — In the case of a commercial development an applicant may reconfigure lots to meet the development needs and division of ownership.~~

...

Purpose: Re-organized to clarify when and how lot consolidations should be used. The original code was separated into two types but the criteria should be the same for either.

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.

Purpose: Align re-plat criteria with the lot consolidation language.