

ORDINANCE NO. 22-201-12

AN ORDINANCE AMENDING THE JOHN DAY DEVELOPMENT CODE TO ALLOW FOR RESIDENTIAL USES (HOUSEHOLD LIVING AND GROUP LIVING) SUBJECT TO A CONDITIONAL USE PERMIT ISSUED BY THE PLANNING COMMISSION THROUGH A TYPE III (QUASI-JUDICIAL) REVIEW (AMD-22-02) TYPE IV PROCEDURE

WHEREAS, the City of John Day "City") adopted the John Day Development Code (the "Code) to regulate land use and development within the City within the framework of the John Day Comprehensive Plan; and

WHEREAS, the Code currently allows mixed-use development only in Light Industrial zones; and

WHEREAS, the City determined that changing market conditions and the increased demand for workforce housing in close proximity to workplaces makes amending the code necessary; and

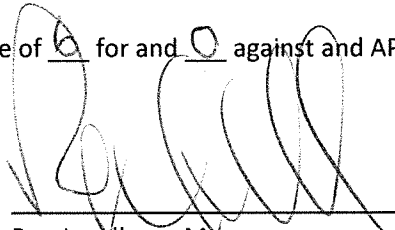
WHEREAS, the John Day Planning Commission, in a public hearing on July 21, 2022, and continuation hearing held on August 23, 2022 recommended that the City Council adopt the proposed code amendments; and

WHEREAS, the City Council has reviewed all evidence and testimony submitted on the matter;

NOW, THEREFORE, the City of John Day ordains as follows:

1. The findings contained in the recitals and those found in the staff report delivered at the July 21 and August 23, 2022 public hearings before the Planning Commission, attached hereto as Exhibit A are hereby adopted and incorporated herein by reference.
2. The Amendments to the Development Code contained in the attached Exhibit B are hereby adopted.

This Ordinance was PASSED by the City Council by a vote of 6 for and 0 against and APPROVED by the Mayor on this 29 day of December, 2022.

  
\_\_\_\_\_  
Ron Lundbom, Mayor

ATTEST:

  
\_\_\_\_\_  
Dave Holland, Council President

Dave Holland, Council President

Exhibit A.  
Staff Report  
[enclosed]



# CITY OF JOHN DAY

## AMD-22-02 PLAN AMENDMENT (TYPE IV) INDUSTRIAL ZONE RESIDENTIAL DWELLINGS ALLOWED WITH CONDITIONAL USE PERMITS

### Type of Action Requested

- |                                     |               |                                     |             |
|-------------------------------------|---------------|-------------------------------------|-------------|
| <input type="checkbox"/>            | Resolution    | <input checked="" type="checkbox"/> | Ordinance   |
| <input checked="" type="checkbox"/> | Formal Action | <input type="checkbox"/>            | Report Only |

**Applicant:** City of John Day  
**Subject Property:** All GI and AIP zoned properties  
**Requested Action:** Text Amendment  
**Date Submitted:** July 14, 2022  
**Agenda Date Requested:** July 21, 2022

### 1. PROPOSAL SUMMARY

The City of John Day is proposing amendments to the City of John Day Development Code (the "Code") to clarify and refine land use regulations concerning residential dwellings in the General Industrial (GI) and Airport Industrial Park (AIP) land use districts. These Comprehensive Plan and Code Text amendments shall allow for Residential Uses (Household Living and Group Living) subject to a Conditional Use Permit issued by the Planning Commission through a Type III (Quasi-Judicial) Review as outlined in Code Section 5-4.4 - Conditional Use Permits.

### 2. APPLICABLE CRITERIA

This request is a legislative amendment to the John Day Development Code. The applicable approval criteria are found in section 5-4.1.050(G), which incorporates compliance with Statewide Planning Goals and the John Day Comprehensive Plan.

### 3. PLANNING COMMISSIN CONSIDERATIONS

The Planning Commission's review must focus on the relevant code criteria and follow the public hearing requirements for a Type IV Legislative Amendment under section 5-4.7.020. The Commission should approve the request if it conforms to the approval criteria.

### 4. STAFF RECOMMENDATION

Staff recommends that the Commission approve AMD-22-02 as submitted.



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## 5. PUBLIC NOTIFICATION

The City of John Day mailed public notice to affected property owners on July 1, 2022, and published a notice in the Blue Mountain Eagle on July 6, 2022, as required by the Development Code. Staff reports were made available for public inspection and sent to interested parties seven days prior to the hearing date.

## 6. RECOMMENDED AMENDMENTS

Exhibit C is a draft of proposed Ordinance No. 22-201-12, which contains the recommended code amendments.

## 7. ADOPTION PROCEDURE AND FINDINGS

The following section shown in italics and boldface provides the decision making criteria as required by John Day Development Code Section 5-4.1.050.G.

.....

*Decision-Making Criteria. The recommendation by the Planning Commission shall be based on the following factors:*

1. *Approval of the request is consistent with the Statewide Planning Goals;*

**FINIDNG:** Specific findings of compliance with statewide land use goals are addressed below.

### **Goal 1 – Citizen Involvement.**

**Finding:** The Code establishes procedures for text amendments such as the subject proposal to implement Goal 1. The Code specifically calls for various forms of notice and public hearings. The City has provided the requisite notices and held the requisite public hearings to satisfy the Code and therefore Goal 1. This criterion is met.

### **Goal 2 – Land Use Planning.**

**Finding:** Staff is following the prescribed procedure for a text amendment to ensure adequate review of the proposed text amendment. This staff report identifies the basis for making a decision on the subject proposal pursuant to applicable code criteria. Staff finds Goal 2 is met.

### **Goals 3 and 4, Agricultural and Forest Lands**

**Finding:** These Goals are not applicable as the proposed text amendments will not have any known impact on either Agricultural or Forest Lands.



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## **Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces.**

**Finding:** The proposed text amendments have no impact on Natural Resources, Scenic and Historic Areas, and Open Spaces. This Goal does not apply.

## **Goal 6 – Air, Water and Land Resources Quality.**

**Finding:** The proposed text amendments have no impact to City regulations to protect air, water, and land resources. This Goal does not apply.

## **Goal 7 – Areas Subject to Natural Hazards.**

**Finding:** The proposed text amendments have no impact on the City’s ability to plan for natural hazards or do not otherwise amend the City’s land use regulations governing natural hazards. This Goal does not apply.

## **Goal 8 – Recreational Needs.**

**Finding:** The proposed text amendments have no impacts on recreational needs. Goal 8 does not apply.

## **Goal 9 – Economic Development.**

**Finding:** The proposed amendments do not affect the City’s supply of lands available for industrial or commercial uses or otherwise inhibit development of lands within the City for such uses. Rather, they expand the ability to co-locate mixed-used residential and industrial developments that will likely lead to further economic development. This goal is met.

## **Goal 10 – Housing.**

**Finding:** The purpose of Goal 10 is to provide for the housing needs of citizens of the state. Statewide Planning Goal 10 addresses housing. No residential land supplies, types, locations, or affordability ranges are impacted by the proposed amendments. The City’s Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) were addressed in the 2003 Comprehensive Plan. Due to changing market conditions and the desire to increase the supply of both affordable housing and workforce housing, the City contracted with EcoNorthwest to create the Housing & Community Development Assessment (October 2019) for John Day. This document reflects the best available data for John Day’s housing market and includes an inventory of buildable residential lands and the City strives to follow its findings. Key findings from the Assessment as it relates to the proposed amendments are:



- Demand for new housing is primarily linked to population growth. Between 1990 and 2018, John Day’s population shrunk by 101 people (-6%). The population in John Day’s UGB is forecasted to continue to shrink in the coming decades as is the population of Grant County. However, City policies currently in place to incentivize housing and develop buildable lands, coupled with its emphasis on tourism and recreation as described in its Strategy for Growth and Community Investment Strategy/Comprehensive Economic Development Strategy could shift this decline to modest but sustainable growth.
- John Day has capacity for 1,000-1,800 units in the current urban growth boundary, more than double the number of homes currently in the city limits.
- John Day will have demand for up to 230 new dwelling units between 2019 and 2039. This equates to between 22 and 46 for each 5-year period, or between 4 and 9 new units per year. About 75% of new dwelling units are expected to be single-family detached (including manufactured homes).

Based on these findings, the City of John Day is already compliant with Goal 10 and will continue to be compliant for the foreseeable future.

#### **Goal 11 – Public Facilities and Services**

**Finding:** The proposed amendments do not impact the City’s ability to plan for or supply public facilities or services. This Goal does not apply.

#### **Goal 12 – Transportation**

**Finding:** Goal 12 is implemented through OAR 660-012-0060 commonly known as the “transportation planning rule”. Per OAR 660-012-0060(1) additional analysis, and potentially mitigation, is required if an amendment would have a “significant effect on a transportation facility. There is no significant effect because the proposed do not allow for higher levels of development than presently permitted or otherwise change the function or classification of any transportation facility. Because text amendments have no impact on the City’s ability to plan for supply an adequate transportation system, the proposal complies with Goal 12.

#### **Goal 13 – Energy Conservation**

**Finding:** The proposed text amendments have no impacts on energy use. This Goal does not apply.

#### **Goal 14 – Urbanization**

**Finding:** The proposed text amendments do not impact that transition of rural land to urban uses. This provision does not apply.



**Goals 15 through 19.**

**Finding:** Goals 15, 16, 17, 18 and 19 are not applicable because they only pertain to areas within Western Oregon.

**2. *Approval of the request is consistent with the Comprehensive Plan; and***

**Finding:** The goals and policies of the City's Comprehensive Plan largely mirror the Statewide Land Use Goal. Accordingly, those goals and policies are either satisfied or not applicable for the same reasons set out in findings for the corresponding statewide land use goal.

**3. *The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.***

**Finding:** The City is presently adequately providing public facilities and services for existing development within the City. If new residential dwellings are proposed, they are subject to requirements that there be adequate public facilities and services to support such development. Therefore, the amendments have no impact on the City's ability to plan for or supply public facilities and services.

**8. PLANNING COMMISSION MOTION**

After hearing the staff presentation and any public testimony, including any rebuttal, the Commission will close the hearing and deliberate.

**Staff recommends the Commission approve AMD-22-02 and recommend the city council adopt Ordinance No. 22-201-12, as submitted.**

*The staff report may be amended during the course of the hearing.*

Respectfully submitted this 14<sup>th</sup> day of July 2022

Nicholas Green  
City Planning Official  
City of John Day

**Enclosures:**

- Exhibit A. Affidavit of Publication
- Exhibit B. Certification of Public Notice
- Exhibit C. AMD-22-02 Adopting Ordinance 22-201-12 (Draft)



# CITY OF JOHN DAY

## AMD-22-02 PLAN AMENDMENT (TYPE IV) INDUSTRIAL ZONE RESIDENTIAL DWELLINGS ALLOWED WITH CONDITIONAL USE PERMITS

### Supplement No. 01

#### Type of Action Requested

- |                                     |               |                          |             |
|-------------------------------------|---------------|--------------------------|-------------|
| <input type="checkbox"/>            | Resolution    | <input type="checkbox"/> | Ordinance   |
| <input checked="" type="checkbox"/> | Formal Action | <input type="checkbox"/> | Report Only |

**Applicant:** City of John Day  
**Subject Property:** All GI and AIP zoned properties  
**Requested Action:** Text Amendment  
**Date Submitted:** July 14, 2022  
**Agenda Date Requested:** July 21, 2022  
**First Continuation Hearing:** August 23, 2022

#### 1. PROPOSAL SUMMARY

The City of John Day is proposing amendments to the City of John Day Development Code (the "Code") to clarify and refine land use regulations concerning residential dwellings in the General Industrial (GI) and Airport Industrial Park (AIP) land use districts. These Comprehensive Plan and Code Text amendments shall allow for Residential Uses (Household Living and Group Living) subject to a Conditional Use Permit issued by the Planning Commission through a Type III (Quasi-Judicial) Review as outlined in Code Section 5-4.4 - Conditional Use Permits.

#### 2. APPLICABLE CRITERIA

This request is a legislative amendment to the John Day Development Code. The applicable approval criteria are found in section 5-4.1.050(G), which incorporates compliance with Statewide Planning Goals and the John Day Comprehensive Plan.

#### 3. PLANNING COMMISSION CONSIDERATIONS

The Planning Commission's review must focus on the relevant code criteria and follow the public hearing requirements for a Type IV Legislative Amendment under Section 5-4.7.020. The Commission should approve the request if it conforms to the approval criteria.

#### 4. PUBLIC NOTIFICATION



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The City of John Day mailed public notice to affected property owners on July 1, 2022, and published a notice in the Blue Mountain Eagle on July 6, 2022, as required by the Development Code. Staff reports were made available for public inspection and sent to interested parties seven days prior to the hearing date.

## 5. HEARING CONTINUATION

Commission unanimously voted on July 21, 2022 to continue the hearing to August 23, 2022 at 5:00 pm, and to leave the record open for both written and oral argument.

## 6. RECOMMENDED AMENDMENTS

Exhibit C.1 is a revised draft of proposed Ordinance No. 22-201-12, which contains the recommended code amendments. These amendments have been revised based on additional written testimony received by the Oregon Department of Aviation (ODAV).

## 7. STAFF RECOMMENDATION (SUPPLEMENT NO. 1)

Staff recommends the following:

- 1) Commission enter into the record *Exhibit D. ODAV Supplemental Comments*, dated August 16, 2022.
- 2) The requirements for filing with the Federal Aviation Administration for proposed structures vary based on a number of factors: height, proximity to an airport, location, and frequencies emitted from the structure, etc. For more details, please reference [CFR Title 14 Part 77.9](#). ODAV recommends the inclusion of more restrictive parameters for residential use within AIP zoned properties, specifically:
  - a. Future development of land near or adjacent to Grant County Regional Airport / Ogilvie Field may be required to undergo aeronautical evaluations by the FAA and ODAV, if required under FAR Part 77.9 and OAR 738-070-0060. The aeronautical evaluations are initiated by the applicant providing notice to the FAA and ODAV to determine if the proposal poses an obstruction to aviation safety. Notice is to be provided in the form of FAA Form 7460-1, Notice of Proposed Construction or Alteration. The applicant must receive the resultant aeronautical determination letters from the FAA and ODAV prior to approval of any building permits.
  - b. The height of any new structures, trees, or planted vegetation shall not penetrate FAR Part 77 Imaginary Surfaces, as determined by the FAA and ODAV.
  - c. Any proposed external lights shall be designed as to not interfere with aircraft or airport operations.



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Recommendation (a) was included in the revised ordinance. Recommendation (c) was not included as it is already addressed in Code Section 5-2.5.070 Land Use Compatibility Requirements Section B. Outdoor Lighting.

- 3) Ordinance amended as follows:
  - a. Table 5-2.4.020 – Land Uses Allowed in Industrial Districts. New dwelling built in conjunction with a permitted commercial or industrial use is amended to indicate Conditional Use Permit *with Standards* (CU/S).
  - b. Section 5-2.5.060 – Procedures amended to include notice to FAA and ODAV for residential conditional use permits and development of land near or adjacent to Ogilvie Field.
  - c. Section 5-2.5.070 – Land Use Compatibility Requirements amended to include Section H. Structures, Trees and Landscaping to ensure they do not penetrate FAR Part 77 Imaginary Surfaces, as determined by the FAA and ODAV.

## 8. ADOPTION PROCEDURE AND FINDINGS

The following section shown in italics and boldface provides the decision-making criteria as required by John Day Development Code Section 5-4.1.050.G.

.....

***Decision-Making Criteria. The recommendation by the Planning Commission shall be based on the following factors:***

- 1. ***Approval of the request is consistent with the Statewide Planning Goals;***

**FINDINGS:** Specific findings of compliance with statewide land use goals are addressed below.

### **Goal 1 – Citizen Involvement.**

**Finding:** The Code establishes procedures for text amendments such as the subject proposal to implement Goal 1. The Code specifically calls for various forms of notice and public hearings. The City has provided the requisite notices and held the requisite public hearings to satisfy the Code and, therefore Goal 1. This criterion is met.

### **Goal 2 – Land Use Planning.**

**Finding:** Staff is following the prescribed procedure for a text amendment to ensure adequate review of the proposed text amendment. This staff report identifies the basis for making a decision on the subject proposal pursuant to applicable code criteria.



ODAV comments indicated the applicability of *Oregon Revised Statute (ORS) 836.608 Airport operation as matter of state concern* and *Oregon Administrative Rule (OAR) Chapter 660, Division 13 Airport Planning*. They requested these regulations be applied along with *Table 3-4: Compatible Land Uses per FAR Part 77 Surfaces and FAA Safety Areas* be applied to all land use decisions in the Airport Industrial Park. Staff has incorporated these comments into the recommendations.

### **Goals 3 and 4, Agricultural and Forest Lands**

**Finding:** These Goals are not applicable as the proposed text amendments will not have any known impact on either Agricultural or Forest Lands.

### **Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces.**

**Finding:** The proposed text amendments have no impact on Natural Resources, Scenic and Historic Areas, and Open Spaces. This Goal does not apply.

### **Goal 6 - Air, Water and Land Resources Quality.**

**Finding:** The proposed text amendments have no impact to City regulations to protect air, water, and land resources. ODAV commented the proposed amendment would allow uses that may conflict with state aeronautical navigation regulations, including ORS 836.608 and OAR 660-013-0050. Staff have adjusted the recommendations and ordinance to take these impacts into consideration.

### **Goal 7 - Areas Subject to Natural Hazards.**

**Finding:** The proposed text amendments have no impact on the City's ability to plan for natural hazards or do not otherwise amend the City's land use regulations governing natural hazards. This Goal does not apply.

### **Goal 8 - Recreational Needs.**

**Finding:** The proposed text amendments have no impacts on recreational needs. Goal 8 does not apply.

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## Goal 10 - Housing.

**Finding:** The purpose of Goal 10 is to provide for the housing needs of citizens of the state. Statewide Planning Goal 10 addresses housing. No residential land supplies, types, locations, or affordability ranges are impacted by the proposed amendments. The City's Housing Needs Analysis (HNA) and Buildable Lands Inventory (BLI) were addressed in the 2003 Comprehensive Plan. Due to changing market conditions and the desire to increase the supply of both affordable housing and workforce housing, the City contracted with EcoNorthwest to create the Housing & Community Development Assessment (October 2019) for John Day. This document reflects the best available data for John Day's housing market and includes an inventory of buildable residential lands and the City strives to follow its findings. Key findings from the Assessment as it relates to the proposed amendments are:

- Demand for new housing is primarily linked to population growth. Between 1990 and 2018, John Day's population shrunk by 101 people (-6%). The population in John Day's UGB is forecasted to continue to shrink in the coming decades as is the population of Grant County. However, City policies currently in place to incentivize housing and develop buildable lands, coupled with its emphasis on tourism and recreation as described in its Strategy for Growth and Community Investment Strategy/Comprehensive Economic Development Strategy could shift this decline to modest but sustainable growth.
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Based on these findings, the City of John Day is already compliant with Goal 10 and will continue to be compliant for the foreseeable future.

## Goal 11 - Public Facilities and Services

**Finding:** The proposed amendments do not impact the City's ability to plan for or supply public facilities or services. This Goal does not apply.

## Goal 12 - Transportation

**Finding:** Goal 12 is implemented through OAR 660-012-0060 commonly known as the "transportation planning rule." Per OAR 660-012-0060(1) additional analysis, and potentially mitigation, is required if an amendment would have a "significant effect on a transportation facility. There is no significant effect because the proposed do not allow for higher levels of development than presently permitted or otherwise change the function or classification of any



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transportation facility. Because text amendments have no impact on the City's ability to plan for supply an adequate transportation system, the proposal complies with Goal 12.

## **Goal 13 - Energy Conservation**

**Finding:** The proposed text amendments have no impact on energy use. This Goal does not apply.

## **Goal 14 - Urbanization**

**Finding:** The proposed text amendments do not impact the transition of rural land to urban uses. This provision does not apply.

## **Goals 15 through 19.**

**Finding:** Goals 15, 16, 17, 18 and 19 are not applicable because they only pertain to areas within Western Oregon.

## **2. *Approval of the request is consistent with the Comprehensive Plan; and***

**Finding:** The goals and policies of the City's Comprehensive Plan largely mirror the Statewide Land Use Goal. Accordingly, those goals and policies are either satisfied or not applicable for the same reasons set out in findings for the corresponding statewide land use goal.

## **3. *The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.***

**Finding:** The City is presently adequately providing public facilities and services for existing development within the City. If new residential dwellings are proposed, they are subject to requirements that there be adequate public facilities and services to support such development. Therefore, the amendments have no impact on the City's ability to plan for or supply public facilities and services.

## **9. PLANNING COMMISSION MOTION**

After hearing the staff presentation and any public testimony, including any rebuttal, the Commission will close the hearing and deliberate.

**Staff recommends the Commission approve AMD-22-02 with Supplemental Staff Report No. 1 and recommend the city council adopt Ordinance No. 22-201-12, as revised.**



*The staff report may be amended during the course of the hearing.*

Respectfully submitted this 23rd day of August 2022,

A handwritten signature in black ink, appearing to read "Nick Green", is written over the typed name.

Nicholas Green  
City Planning Official  
City of John Day

Enclosures:

- Exhibit A. Affidavit of Publication
- Exhibit B. Certification of Public Notice
- Exhibit C.1 AMD-22-02 Adopting Ordinance 22-201-12 (Draft) Revision 1
- Exhibit D. ODAV Supplemental Comments, dated August 16, 2022

Exhibit B.

Code Amendments

Additions in underline

Deletions in ~~strikethrough~~

**SECTION 1: AMENDMENT “5-2.4.010 Industrial Districts - Purpose”** of the City of John Day Development Code is hereby *amended* as follows:

**AMENDMENT**

**5-2.4.010 Industrial Districts - Purpose**

Chapter 5-2.4 accommodates a range of industrial and commercial land uses in three Industrial Districts, Light Industrial (LI), General Industrial (GI), and Airport Industrial Park (AIP). The districts are intended to provide for land use compatibility while providing a high-quality environment for businesses and employees. The AIP district is also intended to provide for compatible land use adjacent to Ogilvie Field, and provide for economic development consistent with Oregon’s Certified Industrial Lands program. The GI district is intended to provide suitable locations for heavy industrial uses (e.g., raw materials processing; and manufacturing, assembly, packaging or distribution of heavy or large goods) that would not otherwise be compatible in other districts. Chapter 5-2.4 guides the orderly development of industrial areas based on the following objectives:

- A. Provide for efficient use of land and public services;
- B. Provide appropriately zoned land with a range of parcel sizes for industry;
- C. Provide transportation options for employees and customers;
- D. Locate business services close to major employment centers;
- E. Ensure compatibility between industrial uses and nearby commercial, airport, and residential areas;
- F. Provide appropriate design standards to accommodate a range of industrial users;
- G. Provide attractive locations for business to locate; and
- H. Accommodate mixed-use development of ~~light~~ industrial areas.

**SECTION 2: AMENDMENT “5-2.4.020 Industrial Districts - Allowed Land Uses”** of the City of John Day Development Code is hereby *amended* as follows:

**AMENDMENT**

**5-2.4.020 Industrial Districts - Allowed Land Uses**

Table 5-2.4.020 identifies the land uses that are allowed in the Industrial Districts. The specific land use categories are described and uses are defined in Chapter [5-1.3](#).

<b>Table 5-2.4.020 – Land Uses Allowed in Industrial Districts</b>	
<b>Uses</b>	<b>Status of Use in District</b>

Use Categories (Examples of uses are in <a href="#">Chapter 5-1.3</a> ; definitions are in <a href="#">Chapter 5-6.1.</a> )	General Industrial (GI)	Light Industrial (LI)	Airport Industrial Park (AIP)
<b>Residential Categories</b>			
<b>Household Living</b>			
Residential Uses (Household Living and Group Living) allowed, if:			
- Lawfully existing as of November 24, 2005	P	P	N
- New dwelling built in conjunction with a permitted commercial or industrial use ( <del>residential use is allowed above ground floor only</del> )	<del>NCU</del>	P	<del>NCU/S</del>
- Manufactured dwelling on an individual lot, subject to <a href="#">Section 5-2.2.100E</a> .	N	N	N
- Manufactured dwelling park	N	N	N
<i>Group Living Uses, if allowed above, shall conform to the provisions in <a href="#">Section 5-2.2.100D</a>.</i>			
<b>Commercial Categories</b>			
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities), per <a href="#">Section 5-2.3.100A</a> for uses in LI District	P	S	N except "P" when accessory to a industrial use
Short-Term Vacation Rental	N	N	N
Educational Services, not a school (e.g., tutoring or similar services)	N	CU	N
Entertainment, Major Event	N	CU	N
Offices	P	P	P
Outdoor Recreation, Commercial	N	CU	N
Parking Lot (when not an accessory use)	CU	CU	N
Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up Uses,			

Section <a href="#">5.2.3.100A</a> )	P	S	N
Retail Sales and Commercial Service,			
- less than 10,000 square feet floor area	CU	P	N
- greater than 10,000 square feet floor area, per <a href="#">Section 5-2.4.050</a>	N	N	N
Self-Service Storage	P	CU	N
<b>Industrial Categories</b>			
Industrial Service (See also Drive-Up Uses)			
- fully enclosed (e.g., office)	P	P	P
- not enclosed	P	CU	P
Marijuana Testing Laboratory per <a href="#">Section 5-2.4.070</a> per <a href="#">Section 5-2.4.070</a> , if applicable per <a href="#">Section 5-2.4.070</a>	S	S	S
Manufacturing and Production			
- fully enclosed	P	P	P
- not enclosed	P	CU	P
-Agricultural Processing	S	S	S
-Marijuana Processing Facility	CU/S	CU/S	CU/S
-Marijuana Production Facility	CU/S	CU/S	CU/S
-Industrial Hemp Production	S	S	S
Warehouse and Freight Movement	P	CU	P
Waste-Related	CU	N	N
Wholesale Sales, per <a href="#">Section 5-2.4.070</a> per <a href="#">Section 5-2.4.050</a>			
- fully enclosed	P	P	N except "P" when accessory to a industrial use
- not enclosed	P	CU	
-Marijuana Wholesaler	S	S	S

<b>Institutional Categories</b>			
Basic Utilities	P	P	N except "P" for utilities required to serve AIP district
Community Service, except as otherwise allowed by Public Facilities Overlay zone	N except "P" for public safety facilities	N except "P" for public safety facilities	N except "P" for public facilities
Daycare	N	N	N
Parks and Open Space, except open space areas are permitted by right when accessory to a primary permitted use	CU	CU	CU
Religious Institutions and Houses of Worship	N	CU	N
Schools, except education uses are permitted by right when accessory to a primary permitted use (e.g., flight instruction at airport, or vocational instruction in conjunction with industrial use)	N	CU	N
<b>Other Categories</b>			
Accessory Structures (with a permitted use)	P	P	P
Agriculture – Animals, when			
- existing use as of November 24, 2005	P	P	Not applicable
- accessory to a permitted industrial use	P	N	P
- new use	N	N	N
Agriculture – Nurseries and similar horticulture (See also, Wholesale and Retail Uses)	S	S	S

per <a href="#">Section 5-2.4.070</a> , when applicable			
Buildings and Structures Exceeding the Height Limits in <a href="#">Section 5-2.4.060</a>	CU	CU	N Except as required per Ogilvie Field Airport Master Plan
Mining	CU	N	N
Radio Frequency Transmission Facilities			
- within height limit of district	P	P	N except "P" in conjunction with airport operations
- exceeds height limit (free-standing or building-mounted facilities)	CU	CU	
Rail Lines and Utility Corridors, except those existing prior to November 24, 2005 are allowed.	CU	CU	P
Temporary Uses (limited to "P" and "CU" uses), per <a href="#">Section 5-4.9.010</a> .	P/CU	P/CU	P/CU
Transportation Facilities (operation, maintenance, preservation, and construction in accordance with the City's Transportation System Plan)	P	P	P

**Key:**

P = Permitted, subject to site/development review

S = Permitted with standards (See cross-reference)

CU = Conditional Use permit required ([Chapter 5-4.4](#))

N = Not permitted

CU/S = Conditional use with standards ([5-2.4.070](#))

### **5-2.4.070 Industrial Districts - Special Use Standards**

Section 5-2.4.070 supplements the standards contained in Sections 5-2.4.020 through 5-2.4.060. It provides standards for the following land uses to control the scale and compatibility of those uses:

...

#### **C. Residential Use Standards in AIP Zone.**

1. Residential Uses shall not be allowed in the Primary Surface, Transitional Surface, or Runway Protection Zone.
2. Residential Uses may be allowed under a Conditional Use Permit in the Horizontal Surface, Conical Surface, or Approach Surface, subject to compatibility criteria. Consult Table 3-4: Compatible Land Uses per FAR Part 77 Surfaces and FAA Safety Areas (January 2003) and follow notice criteria in Section 5-2.5-060 prior to issuing a Conditional Use Permit approval.

### **5-2.5.060 Procedures**

An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

1. A map or drawing showing the location of the property in relation to the airport imaginary surfaces.
2. A site plan drawn to scale including the location and elevation of the building site, all existing and proposed structures, measured in feet above mean sea level.
3. If a Conditional Use Permit or Variance is requested for increased structure height or residential dwelling, letters of support from the airport sponsor, the Department of Aviation and the FAA unless the at-grade elevation of the structure's footprint is such that the proposed maximum structure height is lower than the elevation of any runway surface at Ogilvie Field.
4. Development of land near or adjacent to Grant County Regional Airport / Ogilvie Field may be required to undergo aeronautical evaluations by the FAA and ODAV, if required under FAR Part 77.9 and OAR 738-070-0060. The aeronautical evaluations are initiated by the applicant providing notice to the FAA and ODAV to determine if the proposal poses an obstruction to aviation safety. Notice is to be provided in the form of FAA Form 7460-1, Notice of Proposed Construction or Alteration. The applicant must receive the resultant aeronautical determination letters from the FAA and ODAV prior to the approval of any building permits.

### **5-2.5.070 Land Use Compatibility Requirements**

Applications for land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this chapter as provided herein. [ORS 836.619; OAR 660-013-0080]

...

H. Structures, Trees, and Landscaping. The height of any new structures, trees, or planted vegetation shall not penetrate FAR Part 77 Imaginary Surfaces, as determined by the FAA and ODAV.