

ORDINANCE NO. 22-202-13

AN ORDINANCE AMENDING THE JOHN DAY DEVELOPMENT CODE AIRPORT INDUSTRIAL PARK  
LAND USE DISTRICT TEXT TO ALLOW FOR A WIDER VARIETY OF APPROVED LAND USES (AMD-22-03)  
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 prohibits in the Airport Industrial Park (AIP) zone many of the uses allowed in Light Industrial (LI) zone; and

WHEREAS, the City does not have any properties zoned LI within city limits; and

WHEREAS, changing market conditions and the increased demand for greater land use flexibility in the AIP zone has been requested by current and prospective property owners; and

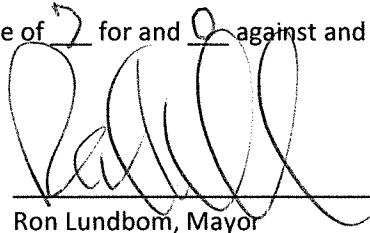
WHEREAS, the John Day Planning Commission, in a public hearing on July 21, 2022 and continuation hearing on August 23, 2022, recommended that the City Council adopt the proposed code amendments; and

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 2 for and 0 against and APPROVED by the Mayor on this 19 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-22-03 LAND USE DISTRICT TEXT AMENDMENT (TYPE IV) AIRPORT INDUSTRIAL PARK

### Type of Action Requested

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

<b>Applicant:</b>	City of John Day
<b>Subject Property:</b>	All AIP zoned properties
<b>Requested Action:</b>	Text Amendment
<b>Date Submitted:</b>	July 14, 2022
<b>Agenda Date Requested:</b>	July 21, 2022

### 1. PROPOSAL SUMMARY

The City of John Day is proposing amendments to the City of John Day Development Code (the "Code"). In response to resident and property owner requests, the City staff submitted AMD-22-03 to amend the allowed land uses within the Airport Industrial Park (AIP) to include uses currently prohibited that are allowed within the Light Industrial (LI) zone, specifically the use of Self-Service Storage, which is not permitted in the AIP zone. This proposed amendment will be reviewed as a Type IV (Legislative) Procedure pursuant to Code Section 5-4.1.050 and the decision-making criteria in Section 5-4.1.050(G).

### 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. STAFF RECOMMENDATION

Staff recommends that the Commission approve AMD-22-03 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. 22-202-13, 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 create a wider variety of 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. This Goal does not apply.

## **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**



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**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**



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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-22-03 and recommend the city council adopt Ordinance No. 22-202-13, as submitted (or as amended by the Commission following public comment).**

*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-22-03 Adopting Ordinance 22-202-13 (Draft)

Exhibit B.

Code Amendments

Additions in underline

Deletions in ~~striketrough~~

**SECTION 1: 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>		
<b>Use Categories</b> (Examples of uses are in <a href="#">Chapter 5-1.3</a> ; definitions are in <a href="#">Chapter 5-6.1</a> .)	<b>General Industrial (GI)</b>	<b>Light Industrial (LI)</b>	<b>Airport Industrial Park (AIP)</b>
<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 (residential use is allowed above ground floor only)	N	P	N
- Manufactured dwelling on an individual lot, subject to Section <a href="#">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-</a>	P	S	N except “P” when

<a href="#">2.3.100A</a> for uses in LI District			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	<del>CU</del> <sup>N</sup>
Entertainment, Major Event	N	CU	<del>CU</del> <sup>N</sup>
Offices	P	P	P
Outdoor Recreation, Commercial	N	CU	<del>CU</del> <sup>N</sup>
Parking Lot (when not an accessory use)	CU	CU	<del>CU</del> <sup>N</sup>
Quick Vehicle Servicing or Vehicle Repair (See also Drive-Up Uses, Section <a href="#">5.2.3.100A</a> )	P	S	<del>CU</del> <sup>N</sup>
Retail Sales and Commercial Service,			
- less than 10,000 square feet floor area	CU	P	<del>CU</del> <sup>N</sup>
- greater than 10,000 square feet floor area, per <a href="#">Section 5-2.4.050</a>	N	N	<del>CU</del> <sup>N</sup>
Self-Service Storage	P	CU	<del>P</del> <sup>N</sup>
<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) per <a href="#">Section 5-2.4.070</a> , when applicable	S	S	S
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
- exceeds height limit (free-standing or building-mounted facilities)	CU	CU	except “P” in conjunction with airport operations
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](#))