

# **John Day City Council/John Day Planning Commission**

**November 12, 2019**

**7:00 PM**

**John Day Fire Hall, 316 S. Canyon Blvd., John Day**

- 1. OPEN AND NOTE ATTENDANCE**
- 2. APPROVAL OF PRIOR MINUTES**
- 3. APPEARANCE OF INTERESTED CITIZENS** – At this time Mayor Lundbom will welcome the public and ask if there is anything they would like to add to tonight's agenda.

## **CONSENT AGENDA**

### **4. CONSENT ITEMS**

Attachments:

- ECONorthwest Professional Services Agreement – Fairground
- OPRD Grant Agreement – Integrated Park System

## **ACTION ITEMS**

### **5. INNOVATION GATEWAY PHASE 1 PRESENTATION & NEXT STEPS**

Attachments:

- Innovation Gateway Phase 1 Presentation
- Letter of Intent

### **6. ORDINANCE NO. 19-177-01, AN ORDINANCE AMENDING THE JOHN DAY COMPREHENSIVE PLAN AND DEVELOPMENT CODE TO ADOPT POLICIES AND CODE FOR THE INNOVATION GATEWAY PLAN (TYPE IV PROCEDURE) – AMD-19-01**

Attachments:

- Ordinance No. 19-177-01 with Staff Report AMD-19-01
- Exhibit B-1 Draft Innovation Gateway Plan
- Exhibit B-2 Technical Memo No. 9

### **7. ORDINANCE NO. 19-178-02 – AN ORDINANCE AMENDING THE JOHN DAY DEVELOPMENT CODE TO COMPLY WITH FEDERAL FLOOD PLAIN MANAGEMENT REGULATIONS RELATING TO CITY PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM (TYPE IV PROCEDURE) – AMD-19-02**

Attachments:

- Ordinance No. 19-178-02 with Staff Report AMD-19-02
- Exhibit B. to Ordinance No. 19-178-02

### **8. ORDINANCE NO. 19-179-03 – AN ORDINANCE TO ADOPT MINOR DEVELOPMENT CODE AMENDMENTS RELATED TO 1) BROADENING THE CONDITIONS FOR TEMPORARY RECREATIONAL VEHICLE USE AS DWELLINGS IN ALL ZONES, AND 2) DELETING THE RESTRICTIONS ON RESIDENTIAL DWELLINGS IN THE D AND GC ZONES TO ALLOW HOUSING**

**UNITS THAT EXISTED PRIOR TO NOVEMBER 24, 2005 BUT WERE OCCUPIED AS BUSINESSES TO CONVERT BACK TO RESIDENTIAL USES (TYPE IV PROCEDURE) – AMD-19-03**

Attachments:

- Ordinance No. 19-179-03 with Staff Report AMD-19-03
- Exhibit B. to Ordinance No. 19-179-03
- Exhibit D. to Ordinance No. 19-179-03

**9. CONDITIONAL USE PERMIT (TYPE III PROCEDURE) CUP-19-01**

Attachments:

- Staff Report CUP-19-01
- Exhibit A. Application for CUP-19-01
- Exhibit B. Public comment to Staff Report CUP-19-01

**10. CONDITIONAL USE PERMIT (TYPE III PROCEDURE) CUP-19-02**

Attachments:

- Staff Report CUP-19-02
- Exhibit A. Application for CUP-19-02

**11. SITE DESIGN REVIEW (TYPE III PROCEDURE) SDR-19-01 & PROPERTY LINE ADJUSTMENT (TYPE II PROCEDURE) PLA-19-08 WITH TRANSFER/SALE OF PUBLIC PROPERTY**

Attachments:

- Staff Report SDR-19-01 and PLA-19-08
- Exhibit A. Application for PLA-19-08
- Exhibit B. Application for SDR-19-01

**12. LAND PARTITION (TYPE III PROCEDURE) LP-19-02**

Attachments:

- Staff Report LP-19-02
- Exhibit A. Application for LP-19-02

**OTHER BUSINESS & UPCOMING MEETINGS**

**13. OTHER BUSINESS & UPCOMING MEETINGS**

- December 10, City Council Meeting, 7 P.M.
- December 10, John Day Urban Renewal Agency Meeting, 8 P.M. (following council meeting)
- January 14, City Council Meeting, 7 P.M.

**TO:** John Day City Council

**FROM:** Nicholas Green, City Manager

**DATE:** November 12, 2019

**SUBJECT:** Agenda Item #4: Items for Approval on Consent Agenda Attachment(s)

- ECONorthwest Professional Services Agreement – Fairground
- OPRD Grant Agreement – Integrated Park System

## **BACKGROUND**

Two items for approval on the consent agenda: (1) The agreement between the City and ECONorthwest for the Fairground project (scope approved previously) and (2) the Integrated Park System (IPS) Grant Agreement. Note: The IPS agreement was mailed to the city and will be scanned and emailed to the city council prior to the meeting.

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### **Item 1) ECONorthwest Professional Services Agreement**

**Recommended Action:** Approve agreement and authorize city manager to sign for the City.

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### **Item 2) LG19-017 John Day Integrated Park System Grant Agreement**

**Recommended Action:** Approve grant agreement and authorize city manager and mayor to sign for the City.

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**TO:** John Day City Council

**FROM:** Nicholas Green, City Manager

**DATE:** November 12, 2019

**SUBJECT:** Agenda Item #5: Innovation Gateway Phase 1 Presentation & Next Steps  
Attachment(s)

- Innovation Gateway Phase 1 Presentation
- Letter of Intent

## **BACKGROUND**

I will provide a brief overview of the Innovation Gateway Phase 1 process and next steps for Phase 2 developments at the site. A presentation and letter of intent will be provided to the council prior to the meeting.

## **DISCUSSION**

The city council and planning commission are expected to review site design applications in 2020 for the following Phase 2 activities:

- New wastewater treatment plant
- New hotel
- New aquatic center
- Integrated Park System master plan
- Downtown parking improvements
- New Kam Wah Chung interpretive center

The status of these projects will be discussed during this agenda item.

**TO:** John Day City Council

**FROM:** Nicholas Green, City Manager

**DATE:** November 12, 2019

**SUBJECT:** Agenda Item #6: Ordinance No. 19-177-01, An Ordinance Amending the John Day Comprehensive Plan and Development Code to Adopt Policies and Code for the Innovation Gateway Plan (Type IV Procedure) – AMD-19-01 Attachment(s)

- Ordinance No. 19-177-01 with Staff Report AMD-19-01
- Exhibit B-1 Draft Innovation Gateway Plan
- Exhibit B-2 Technical Memo No. 9

## **BACKGROUND**

The City of John Day (the “City”) worked with a team of consultants to prepare the John Day Innovation Gateway (JDIG) Plan. This Plan articulates a vision for the riverfront area of the City north and south of the John Day River, between approximately Patterson Bridge Road and the Downtown area.

Key objectives of the JDIG Plan include:

- Integrated system of parks, trails and natural areas
- New facilities and amenities for community members and visitors, including redevelopment of the former Oregon Pine mill site and re-use of selected structures there
- Re-use of water from a proposed new state-of-the-art wastewater treatment plant/water reclamation facility for a new water garden and hydroponic greenhouses
- Roads and trails providing access and circulation within the area and to other parts of the community
- Redesign and relocation of the City’s wastewater treatment plant

The JDIG Plan will be adopted as a supporting element of Comprehensive Plan (Urbanization Chapter) and provides further information about future plans for this area. A detailed set of proposed amendments to the Development Code in the form of a proposed John Day Innovation Gateway (IG) Overlay Zone are also proposed.

## **DISCUSSION**

Ordinance No. 19-177-01 enacts the findings of the Planning Commission and City Council following the public hearing for AMD-19-01.

Council may choose to defer adoption of Ordinance No. 19-177-01 or hold a second public hearing based on comments received during the first public hearing.

## **RECOMMENDED MOTIONS**

- (1) “I move to read Ordinance No. 19-177-01 by name only.”

Mayor to read:

“Ordinance No. 19-177-01, An Ordinance Amending the John Day Comprehensive Plan and Development Code to Adopt Policies and Code for the Innovation Gateway Plan.”

- (2) “I move to adopt Ordinance No. 19-177-01, An Ordinance Amending the John Day Comprehensive Plan and Development Code to Adopt Policies and Code for the Innovation Gateway Plan.”

**TO:** John Day City Council

**FROM:** Nicholas Green, City Manager

**DATE:** November 12, 2019

**SUBJECT:** Agenda Item #7: Ordinance No. 19-178-02 – An Ordinance Amending the John Day Development Code to Comply with Federal Flood Plain Management Regulations Relating to City Participation in the National Flood Insurance Program (Type IV Procedure) – AMD-19-02  
Attachment(s)

- Ordinance No. 19-178-02 with Staff Report AMD-19-02
- Exhibit B. to Ordinance No. 19-178-02

## **BACKGROUND**

We are proposing to amend the Community Development Code to comply with the Federal flood plain management regulations relating to the city’s participation in the National Flood Insurance Program. The purpose of the proposed amendments is to promote public health, safety and welfare, and to minimize public and private losses due to flooding in flood hazard areas and to adopt the best available geographic data defining locations that are at a high risk of flooding.

Ordinance No. 19-178-02 enacts the findings of the Planning Commission and City Council following the public hearing for AMD-19-02.

## **DISCUSSION**

Council may choose to defer adoption of Ordinance No. 19-178-02 or hold a second public hearing based on comments received during the first public hearing.

## **RECOMMENDED MOTIONS**

- (1) “I move to read Ordinance No. 19-178-02 by name only.”

Mayor to read:

“Ordinance No. 19-178-02, An Ordinance Amending the John Day Development Code to Comply with Federal Flood Plain Management Regulations Relating to City Participation in the National Flood Insurance Program.”

- (2) “I move to adopt Ordinance No. 19-178-02, An Ordinance Amending the John Day Development Code to Comply with Federal Flood Plain Management Regulations Relating to City Participation in the National Flood Insurance Program.”

**FROM:** Nicholas Green, City Manager

**DATE:** November 12, 2019

**SUBJECT:** Agenda Item #8: Ordinance No. 19-179-03 – An Ordinance to Adopt Minor Development Code Amendments Related to 1) Broadening the Conditions for Temporary Recreational Vehicle Use as Dwellings in All Zones, and 2) Deleting the Restrictions on Residential Dwellings in the D and GC Zones to Allow Housing Units that Existed Prior to November 24, 2005 but were Occupied as Businesses to Convert Back to Residential Uses (Type IV Procedure) – AMD-19-03  
Attachment(s)

- Ordinance No. 19-179-03 with Staff Report AMD-19-03
- Exhibit B. to Ordinance No. 19-179-03
- Exhibit D. to Ordinance No. 19-179-03

## **BACKGROUND**

Certain residents requested the City of John Day (the “City”) and John Day City Council (the “Council”) evaluate options for making more housing choices available within the city limits in zones where housing was previously restricted. Residents also asked for greater flexibility in the code to allow temporary dwelling in recreational vehicles while new homes are under construction and in other special circumstances that could be reviewed by the City and the Council that are prohibited in the current Code. The City Planning Commission will hear testimony on these issues at the public hearing prior to the Council deliberating on the adoption of the code amendments by ordinance.

Ordinance No. 19-179-03 enacts the findings of the Planning Commission and City Council following the public hearing for AMD-19-03.

## **DISCUSSION**

Council may choose to defer adoption of Ordinance No. 19-179-03 or hold a second public hearing based on comments received during the first public hearing.

## **RECOMMENDED MOTIONS**

- (1) “I move to read Ordinance No. 19-179-03 by name only.”

Mayor to read:

“Ordinance No. 19-178-03, An Ordinance to Adopt Minor Development Code Amendments Related to 1) Broadening the Conditions for Temporary Recreational Vehicle Use as Dwellings in All Zones, and 2) Deleting the Restrictions on Residential Dwellings in the D and GC Zones to Allow Housing Units that Existed Prior to November 24, 2005 but were Occupied as Businesses to Convert Back to Residential Uses.”

- (2) “I move to adopt Ordinance No. 19-179-03, An Ordinance to Adopt Minor Development Code Amendments Related to 1) Broadening the Conditions for Temporary Recreational Vehicle Use as Dwellings in All Zones, and 2) Deleting the Restrictions on Residential Dwellings in the D and



GC Zones to Allow Housing Units that Existed Prior to November 24, 2005 but were Occupied as Businesses to Convert Back to Residential Uses.”

**FROM:** Nicholas Green, City Manager

**DATE:** November 12, 2019

**SUBJECT:** Agenda Item #9: Conditional Use Permit (Type III Procedure) CUP-19-01  
Attachment(s)

- Staff report for CUP-19-01
- Exhibit A. Application for CUP-19-01
- Exhibit B. Public comment to Staff Report CUP-19-01

## **BACKGROUND**

Tom and Patty Salvino are the owners of 846 E. Main Street in John Day (Map Number 13S31E25BA Tax Lot 1000). This property is zoned Residential General (RG). The Salvinos are requesting a Conditional Use Permit to temporarily reside in a recreational vehicle on their property for up to one year. The Planning Commission will consider this request under the code amendments proposed in AMD-19-03. If approved, the Commission's decision will be predicated on adoption of Ordinance No. 19-179-03 by the John Day City Council and will take effect upon approval of said ordinance.

## **DISCUSSION**

This Type III procedure is for action by the Planning Commission only. The planning commission's decision may be appealed to the city council by any interested party, but the appeal will require a separate hearing.

**FROM:** Nicholas Green, City Manager

**DATE:** November 12, 2019

**SUBJECT:** Agenda Item #10: Conditional Use Permit (Type III Procedure) CUP-19-02  
Attachment(s)

- Staff report for CUP-19-02
- Exhibit A. Application for CUP-19-02

## **BACKGROUND**

The Oregon Department of Fish and Wildlife is the owner of 357 Patterson Bridge Road in John Day (Map Number 13S31E22C Tax Lot 1801). This property is zoned General Industrial (GI). Owner is requesting a Conditional Use Permit to install two (2) recreational vehicle parking pads on site with power/water/sewer connections. These pads are intended for the use of hosts, seasonal, and intermittent employees. The Planning Commission will consider this request under the code amendments proposed in AMD-19-03. If approved, the Commission's decision will be predicated on adoption of Ordinance No. 19-179-03 by the John Day City Council and will take effect upon approval of said ordinance.

## **DISCUSSION**

This Type III procedure is for action by the Planning Commission only. The Commission's decision may be appealed to the city council by any interested party, but the appeal will require a separate hearing.

**FROM:** Nicholas Green, City Manager

**DATE:** November 12, 2019

**SUBJECT:** Agenda Item #11: Site Design Review (Type III Procedure) SDR-19-01 & Property Line Adjustment (Type II Procedure) PLA-19-08 With Transfer/Sale of Public Property Attachment(s)

- Staff report for SDR-19-01 and PLA-19-08
- Exhibit A. Application for PLA-19-01
- Exhibit B. Application for SDR-19-01

## **BACKGROUND**

The Oregon Trail Electric Cooperative (“OTEC”) is the owner of the power substation located at the corner of SE Dayton and U.S. 395S in John Day (Map Number 13S31E26BA Tax Lot 10600). This property is zoned Downtown (D). The City of John Day is the owner of the former City Hall building located south of the OTEC substation (Map Number 13S31E26 Tax Lot 4000). This property is zoned General Commercial (GC). City of John Day and OTEC wish to perform a property line adjustment and quit claim deed of right-of-way along SE Dayton and S. Canyon Boulevard/U.S. 395S, with OTEC to acquire a 50-foot section along U.S. 395S from City (+/- 0.5 acres) plus right-of-way to the sidewalk immediately in front of OTEC's substation on SE Dayton. The purpose of the property line adjustment is to ensure OTEC retains access to the substation for maintenance. OTEC will create up to two electric vehicle parking spaces and public parking access on the unused portion of the lot acquired from City. Their proposed site design will be reviewed by the Planning Commission as SDR-19-01. In exchange, City will transfer property at no-cost to OTEC as described in Exhibit A.

## **ORDER OF OPERATIONS**

- 1) Planning Commission and City Council will jointly review the proposed developments as described in the accompanying staff report.
- 2) The City Council will then request comments from the public on the proposed site design and the land sale for public comment.
- 3) Planning Commission may approve, or approve with modifications, the site design application.

City council will approve the land sale with a separate ordinance and purchase and sale agreement, to be submitted to the council later.

**FROM:** Nicholas Green, City Manager

**DATE:** November 12, 2019

**SUBJECT:** Agenda Item #12: Land Partition (Type III Procedure) LP-19-02  
Attachment(s)

- Staff report for LP-19-02
- Exhibit A. Application for LP-19-02

## **BACKGROUND**

The Benevolent & Protective Order of Elks (BPOE) of the U.S. John Day Lodge #1824 owns the property located at 140 NE Dayton Street in John Day (Map Number 13S31E26BA Tax Lots 1100 & 602). This property is zoned Downtown (D). The BPOE wishes to partition this property into three parcels: Parcel 1: 67,980 SF; Parcel 2: 5,000 SF; and Parcel 3: 17,500 SF. Land partitions larger than one (1) acre shall be processed using a Type III procedure under Section 5-4.1.040 of the City of John Day Development Code (the "Code"), which requires a hearing before the John Day Planning Commission prior to approval of the preliminary plat. All preliminary plats shall be reviewed using approval criteria in Section 5-4.3.070 of the Code.

## **DISCUSSION**

This Type III procedure is for action by the Planning Commission only. The Commission's decision may be appealed to the city council by any interested party, but the appeal will require a separate hearing.

**TO:** John Day City Council  
**FROM:** Nicholas Green, City Manager  
**DATE:** November 12, 2019  
**SUBJECT:** Agenda Item #13: Other Business and Upcoming Meetings  
Attachment(s)

- None

**OTHER BUSINESS**

- None

**UPCOMING MEETINGS**

- December 10 – City Council Meeting, 7 P.M.
- December 10 – John Day Urban Renewal Agency Meeting, 8 P.M. (following council meeting)
- January 14 – City Council Meeting, 7 P.M.