



MEMORANDUM

TO: JOHN DAY CITY COUNCIL; JOHN DAY PLANNING COMMISSION
FROM: NICHOLAS GREEN, CITY MANAGER
SUBJECT: STAFF REPORT FOR AMD-19-03
DATE: SEPTEMBER 25, 2019
CC:

EXECUTIVE SUMMARY

The City of John Day Development Code (the Code) contains specific restrictions and permitted uses are outlined below for housing in the downtown (D) and general commercial (GC) zones as well as the use of recreational vehicles (RV's) as temporary dwelling units.

At the request of residents, council is willing to consider amendments to the code to remove certain restrictions. The proposed amendments are described herein.

- Comments are provided in **boldface** to prompt the reader.
- Strikeout language (~~example~~) is shown where language is proposed for removal.
- Underlined language shows a proposed addition.

AMENDMENT 1

Article 5-1.3.110 Household Living defines what the City considers to be a dwelling unit and the restrictions/exceptions. Paragraph D(1) is amended as follows:

1. For purposes of this code, a recreational vehicle is not considered a dwelling, except when it is permitted within a City-approved mobile home park, ~~or~~ manufactured home park, or permitted through a temporary RV dwelling permit under Chapter 5-2.2.100 or Chapter 5-4.9.010, where the vehicle is connected to a electrical utility and city sewer and water systems in accordance with ORS 197.493.

Comment: This is the primary restriction on RV dwelling within city limits. The amendment allows for expanded use of RVs when appropriately permitted.

AMENDMENT 2

There are currently two exceptions that allow RV use. These exceptions are amended as follows:

5-2.2.100 Residential Districts – Special Use Standards

L. Manufactured Homes and RV's as Temporary Residences. Recreational vehicles may not be occupied for residential purposes outside an approved recreational vehicle park or in an approved mobile or manufactured home park on any lot in the city except:

1) When permitted as a temporary residence by 5-2.2.100(K) Temporary Medical Hardship Dwellings; or

2) As a temporary residence by guests of the owner for a period not to exceed 7 days out of any 30-day period, particularly during major local events such as rodeos, fairs, races, school and community events, adult and youth athletic events and similar events; or

3) A single-wide or single unit manufactured home, or recreation vehicle (RV), may be authorized as a temporary residence if found to comply with the following conditions.

a. Residential use during construction of a home.

1. The unit shall only be placed upon a lot or parcel and occupied by the owner or builder for which a building permit for a conventional housing unit or a placement permit for a manufactured home meeting the standards of the applicable zone has been obtained.

2. Only one unit shall be allowed and shall only be occupied during a period in which satisfactory progress is being made towards the completion of the conventional housing unit or placement of the manufactured home for which a permit has been obtained, and in no case shall the time period exceed 18 months involving a conventional dwelling or 6 months involving a manufactured home.

3. The owner of the lot agrees in writing to remove the temporary dwelling unit from the lot no later than the applicable time period set forth above (a) not later than one month following the completion of the unit or placement of the manufactured home, or (b) upon review and finding by Planning Commission that satisfactory progress is not being made on the development, whichever occurs first. RV's may remain on lot but may no be occupied as a dwelling unit under this provision.

4. Public sewer and water connections shall be provided for all temporary dwelling units for the duration of the their occupancy.

5. The City Planning Official may review permits issued under this subsection (L) using a Type I Decision at any time and revoke the permits when found to not be in compliance, including evidence of unsatisfactory progress on construction or placement of the intended permanent housing unit.

b. Temporary residence for care of relative or other special circumstances under a Type III Conditional Use Permit.

1. It is the intent of this temporary RV use permit to provide for the temporary placement and use of certain structures which, because of personal hardship and special needs, require and warrant special consideration for the special temporary use.

2. No such use shall be approved unless there is a finding by the reviewing authority that there will not be any adverse impact on the welfare of adjacent properties and the community as a whole, nor a detriment to the overall intent of this chapter and the applicable zone designation.

3. No temporary permit shall be granted which would have the effect of creating a permanent rezoning, nonconforming use or variance or when the use is not permitted to continue at the expiration of the permit period.

4. As a temporary special use permit in every zone in which residential uses are permitted, the Planning Commission, as a type III Conditional Use Permit, may approve one (1) manufactured home or RV in conjunction with a primary dwelling unit with the following findings and limitations.

(a) The applicant and permit holder is the owner and resident of the primary dwelling where the RV is to be placed.

(b) That no additions to the manufactured home or RV unit shall be permitted, nor shall the unit be connected to the primary dwelling unit or an accessory dwelling unit in any way, except for a covered walkway to the main dwelling unit.

(c) That all residential utilities and facilities deemed necessary can be and are provided.

(e) That all setback requirements of the applicable zone designation can be met.

(f) That the subject manufactured home or RV unit is not of a condition as to constitute a visual nuisance or be a safety hazard to the occupant thereof

5. A temporary special use permit granted under this subsection shall be null and void when the special circumstance warranting the Conditional Use Permit has been resolved.

6. Within 30 days of the permit becoming void or revoked, the unit shall be removed by the owner of the real property unless otherwise approved by the city.

7. The city may review permits issued under this subsection at any time, and revocation thereof shall be effective upon a finding of noncompliance with the provisions of this subsection or with any other conditions set forth at the time of issuance of the permit.

8. The permits shall be issued on a one-year basis and may be renewed on an annual basis through re-application provided compliance with the conditions applicable to the permit are maintained.

Article 5-4.9.010 Temporary Use Permits

C. Temporary Building, Trailer, Kiosk, or Structure. Temporary or permanent placement of a building, trailer or recreational vehicle per Chapter 5-2.5, kiosk, or structure, including but not limited to prefabricated building(s), for use on any real commercial or industrial property within the City shall require land use approval. Using a Type II procedure, as governed by Section 5-4.1.040, the City may approve, approve with conditions or deny an application for a placement of a building, trailer, kiosk, or structure for temporary use, or temporary placement, such as a temporary commercial or industrial use or space associated with the primary use on the property, for a period up to six months. Temporary uses exceeding six months may be approved by the Planning Commission through a Type III procedure. Temporary uses must be based on following criteria:

1. The temporary trailer or building shall be located within the specified property line setbacks of the parcel of land on which it is located;
2. The primary use on the property to be used for a temporary trailer is already developed;
3. Ingress and egress are safe and adequate as demonstrated by an approach permit approved by the road authority, as applicable. See also, Section 5-3.1.020 – Vehicular Access; and
4. There is adequate parking for the customers or users of the temporary use as required by Chapter 5-3.3 - Parking;
5. The use will not result in vehicular congestion on streets;
6. The use will pose no impediment or hazard to pedestrians in the area of the use;
7. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a

manner which other uses allowed outright in the district do not affect the adjoining use;

8. The building complies with applicable building codes;

9. The use can be adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits); and

10. The length of time that the temporary building will be used does not exceed 6 months under a Type II procedure. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit using a Type III procedure; and

11. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

Comment: These amendments add a new Section L to the Special Use Standards under Chapter 5-2.2.100 to allow for RV dwelling in a residential district and broaden the conditions under Chapter 5-4.9.010 for RV use in a non-residential zone through a Temporary Use Permit.

AMMENDMENT 4

Table 5-4.1.010 Summary of Approvals by Type of Review Procedure		
Approvals*	Review Procedures	Applicable Regulations
Access Permit (public street)	Type I	Chapters 3.1, 5-4.2, 5-4.3; Engineering Design Standards
Annexation	Type IV	Chapter 5-4.10
Code Interpretation	Type II	Chapter 5-4.8
Code Text Amendment	Type IV	Chapter 5-4.7
Comprehensive Plan Amendment	Type IV	Chapter 5-4.7 & Comprehensive Plan
Conditional Use Permit	Type III	Chapter 5-4.4
Home Occupation Permit Type I	Type I	Chapter 5-4.9; See also, Section 5-2.2.020
Home Occupation Permit Type III	Type III	Chapter 5-4.9; See also, Section 5-2.2.020
Master Planned Development	Type III	Chapter 5-4.5
Modification to Approval	Type II/III (minor or major)	Chapter 5-4.6

Land Use District Map Change Quasi-Judicial (does not require a plan amendment)	Type III	Chapter 5-4.7
Legislative (plan amendment)	Type IV	Chapter 5-4.7
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 5-4.3
Legal Lot Determination	Type I	Chapter 5.3
Non-Conforming Use or Development Confirmation	Type I	Chapter 5.2
Partition or Replat of 2-3 lots	Type II	Chapter 5-4.3
Land Use Review	Type I/II	Chapter 5-4.2
Site Design Review	Type II	Applicant or Planning Official may refer application to Planning Commission hearing
Site Design Review w/ Adjustment to Standard(s)	Type III	
Subdivision or Replat of >3 lots Preliminary Plat	Type III	Chapter 5-4.3
Final Plat	Type I	
Temporary Use Permit (includes Temporary Medical Hardship Dwellings)	Type I/II/III	Chapter 5-4.9, Chapter 5-2.2
Variance		
Class A	Type II	Chapter 5.1
Class B	Type III	Chapter 5.1

Comment: This amendment revises Table 5-4.1.010 to reflect the use of a Type I, II or III decision for Temporary Use Permit issued under Chapter 5-4.9 or 5-2.2.

AMENDMENT 5

5-2.2.100 Residential Districts – Special Use Standards

Section 5-2.2.100 provides standards for specific land uses and building types, as identified in Table 5-2.2.020 that control the scale and compatibility of those uses within Residential Districts. The standards in Section 5-2.2.100 supplement (are in addition to and do not replace) the standards in Sections 5-2.2.010 through 5-2.2.090. This Section applies to the following uses and building types:

- A. Accessory Dwelling
- B. Attached Single Family (Townhouses or Rowhouses) and Attached Duplexes
- C. Bed and Breakfast Inns
- D. Group Living (Residential Care Homes and Residential Care Facilities)

SUBJECT: AMD-19-03 STAFF REPORT

E. Home Occupations

F. Manufactured Homes

G. Manufactured/Mobile Home Parks

H. Multiple Family Housing

I. Short-Term Vacation Rentals

J. Zero-Lot Line Housing (not common wall)

K. Temporary Medical Hardship Dwellings

L. Manufactured Homes and RVs as Temporary Dwellings

Comment: Adds a new Section L to chapter 5-2.2.100 to contain the expanded RV dwelling amendments.

AMENDMENT 6

Amends the restriction on residential dwelling 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 use. Does not allow for the expansion, alteration, modification or construction of residential dwelling units within the D and GC zones except due to involuntary destruction.

5-2.3.020 Commercial Districts – Allowed Land Uses

Table 5-2.3.020 identifies the land uses that are allowed in the Commercial districts. The specific land use categories are described and uses are defined in Chapter 5-1.3 and 5-1.4.

Table 5-2.3.020 – Land Uses Allowed in Commercial Districts (D, GC)			
Uses	Status of Use in District		
Use Categories <i>(Examples of uses are in Chapter 5-1.4; definitions are in Chapter 5-6.1.)</i>	Downtown (D)	General Commercial (GC)	[Reserve]
Residential Categories			
Household Living			
All Residential Uses and Structures (Household Living and Group Living) allowed, if: <ul style="list-style-type: none"> - lawfully existing as of November 24, 2005* - a dwelling that does not occupy ground floor space fronting Main Street* <p>*In the event of involuntary damage or destruction due to fire or other event beyond the owner's control, a residential use lawfully existing in the Downtown as of November 24, 2005 may be rebuilt and reestablished pursuant with Section 5-5.2.020 through 5-5.2.030. <u>A dwelling unit that existed prior to November 24, 2005 but was not used as a residence on that date may convert back to residential use, but may not be expanded upon. This provision does not apply to a dwelling unit that occupies ground floor space fronting Main Street.</u> Group Living Uses shall conform to the provisions in Section 5-2.2.100.</p>	P P	P P	

SUBJECT: AMD-19-03 STAFF REPORT

Commercial Categories			
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 5-2.3.100	CU+S	CU+S	
Bed and Breakfast Inn	P	P	

Key:

- P = Permitted, subject to site/development review
 - S = Permitted with standards (Section 5-2.2.100)
 - CU = Conditional Use permit required (Chapter 5-4.4)
 - N = Not permitted
-