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**STAFF REPORT AMD-20-03**

**Date Submitted:** May 11, 2020  
**Agenda Date Requested:** May 12, 2020  
**To:** John Day Planning Commission  
**From:** Daisy Goebel, City of John Day  
Associate Planner  
**Subject:** An ordinance to adopt Development Code amendments clarifying provisions regarding the Park Reserve Zone and relaxing restrictions on park-related development within this zone.  
**Location:** Citywide

**Type of Action Requested**

Resolution                       Ordinance  
 Formal Action                       Report Only

**1. BACKGROUND**

The City of John Day Development Code (the Code) contains provisions for development on property located within the Park Reserve Zone. The current restrictions and requirements contradict the purpose of this zone which is to protect the spaces in question against development for the purpose of promoting parks, open space, and other natural resource qualities. This proposal will amend the requirements for this zone to require a Conditional Use Permit for residential and farm-use development and further facilitate the development of park-related facilities.

**2. APPLICABLE CRITERIA**

This request is a legislative amendment to amend the John Day Development Code. The approval criteria in section 5-4.1.050.G apply.

### 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 Planning Commission should recommend the City Council approve the request if it conforms to the approval criteria.

### 4. STAFF RECOMMENDATION

Staff recommends that the Planning Commission make a recommendation to the City Council to **adopt Ordinance 20-182-03, as presented** and findings in this report.

### 5. PUBLIC NOTIFICATION

The City of John Day mailed public notice to all affected property owners on April 14<sup>th</sup>, 2020 and notice was posted in the Blue Mountain Eagle on April 22<sup>nd</sup> and 29<sup>th</sup> as required by the Development Code.

Public comments received: None.

### 6. 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.

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

- 1. Approval of the request is consistent with the Statewide Planning Goals;***
- 2. Approval of the request is consistent with the Comprehensive Plan; and***
- 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:** Statewide Planning Goals and the City of John Day Comprehensive Plan mirror one another. Therefore, compliance with one document means compliance with the other. The third criterion concerning adequate public facilities and services does not apply in this request because the amendment does not change zoning or development in a way that would substantially affect or conflict with current public services.

This request is consistent with the John Day Comprehensive Plan and Statewide Planning Goals. The John Day Comprehensive Plan follows the Statewide Planning Goals. The only Statewide Planning Goal that is directly impacted by this request is Goal 8, Recreation.

Goal 8 of the statewide planning goals is to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities. This goal is especially important to the City of John Day as we seek to place a greater emphasis on recreation as an economic growth strategy. This proposal allows for more flexible development of park-related facilities within the park reserve zone while requiring a Conditional Use Permit (CUP) to build residential dwellings, farm structures, and commercial businesses. A map of the Park Reserve Zone is included as Exhibit (B) to this report.

The code currently requires a CUP for park-related development in the Park Reserve Zone while permitting single-family dwellings among other non-park related uses outright. These unorthodox and overly-restrictive requirements contradict the purpose of the Park Reserve Zone which is “to promote the public safety and welfare by preventing certain types of development in those areas which are best suited or deemed necessary for public protection against development for parks, open space or other natural resource qualities not protected by other zone designations.” [John Day Development Code 5-2.7.010] The amendments will encourage development of parks, playgrounds, campgrounds, trails, and other recreational facilities within the Park Reserve Zone.

**7. PLANNING COMMISSION MOTION**

After hearing the staff presentation and any public testimony, including any rebuttal, the commission will close the hearing and deliberate. The following motion is suggested:

“I move to recommend City Council approve AMD-20-03 based on the findings contained in the staff report [with conditions, if any].”

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

**RECOMMENDED TO THE CITY COUNCIL** by the John Day Planning Commission this 12th day of May, 2020.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Vacancies: \_\_\_\_\_

ORDERED:

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Ken Boethin, Chair

ATTEST:

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Nicholas Green, City Manager

## ORDINANCE NO. 20-182-03

### AN ORDINANCE AMENDING THE JOHN DAY DEVELOPMENT CODE TO REVISE REGULATIONS REGARDING DEVELOPMENT IN THE PARK RESERVE ZONE

#### Executive Summary

In an effort to promote development of parks and open space in the city, the City of John Day Development Code (the Code) provides regulations for development in areas designated as 'Park Reserve'. The current requirements permit several non-park related uses outright while requiring a number of park-related uses only with a conditional use permit. The proposed amendments will adjust these requirements to more closely reflect the intention of the Park Reserve district and clarify the status of this designation as a zone rather than an overlay given that no underlying zone exists.

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

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#### 5-2.7 Park Reserve (PR) ~~Overlay~~ Zone

##### 5-2.7.010 Scope and Purpose of Regulations

The Park Reserve (PR) ~~Overlay~~ Zone applies to park lands, existing and/or proposed, consistent with the John Day Comprehensive Plan and as designated on the Zoning Map. ~~In any zone that is a GW overlay zone, the requirements and standards of this Chapter shall apply in addition to those of the underlying zone; provided, that if a conflict in regulations or standards occurs, the provisions of this Chapter shall govern.~~ The purpose of the PR ~~overlay zone~~ zone is to promote the public safety and welfare by preventing certain types of development in those areas which are best suited or deemed necessary for public protection against development for parks, open space or other natural resource qualities not protected by other zone designations.

##### 5-2.7.020 Uses Permitted Outright

In a PR ~~overlay zone~~ zone, the following uses and their accessory facilities are permitted outright. New development or modification of existing development may be subject to Land Use Review or Site Design Review procedures as described in chapter 5-4.2 of this title.

- ~~a. Farm use, not including structures or permanent facilities.~~
- b. Public reserve areas of natural, historical or geological significance.
- c. Public wildlife reserve or management area.
- ~~d. Single-family dwelling, including a mobile home.~~

- e. Public or commercial recreation use, including marina, recreation camp, or resort.
- f. Utility facilities.
- g. Public picnic grounds, parks, playgrounds, campgrounds or nature trails
- h. Fairgrounds, accessory structures for fairgrounds use, and accessory parking for fairgrounds.

#### 5-2.7.030 Conditional Uses Permitted

In a PR **overlay zone**, the following uses and their accessory uses are permitted when authorized in accordance with Chapter 5-4.4 of this Title

- ~~a. Commercial, private or public picnic or campgrounds.~~
- ~~b. Utility facility.~~
- c. Public or private golf courses.
- ~~d. Master planned development.~~
- ~~e. Commercial recreation use, including marina, riding stable, resort-type establishment, gun club, recreation camp and dude ranch.~~
- ~~f. Public marina, recreation camp or resort.~~
- ~~g. Public picnic grounds, parks, playgrounds, campgrounds or nature trails.~~
- h. Farm structures and permanent facilities.
- i. Single-family dwelling, including a mobile home.
- j. Commercial uses not related to recreation.

#### 5-2.7.040 Dimensional Standards

In a PR **overlay zone**, the following dimensional standards shall apply:

- a. The minimum lot size shall be as determined by the City to be necessary for the protection of public health and natural resource.
- b. Changes to lot dimension within the PR zone are subject to the Preliminary Plat Approval Process for land divisions and property line adjustments as described in chapter 5-4.2 of this title and shall be processed as a type III procedure.

#### 5-2.7.050 Setbacks

In a PR overlay zone, the following setback requirements shall apply:

- a. There shall be a setback of a minimum of 60 feet from an arterial or collector street or road right of way, and a 20-foot setback from a street within a duly platted and recorded subdivision.
- b. The setback from a stream high-water mark shall be a minimum of 100 feet, except as approved by the City.
- c. Each side setback shall be a minimum of five (5) feet, except on a corner lot, it shall be 10 feet on the street side.
- d. The rear setback shall be 10 feet

#### 5-2.7.060 Limitations On Conditional Uses

In addition to the standards and conditions that may be attached to the approval of a conditional use as provided by Chapter 5-4.4 of this Title, the following limitations shall apply to a conditional use in a PR overlay zone:

- a. The City may require establishment and maintenance of fire breaks, the use of fire resistant materials in construction and landscaping, or may attach other similar conditions or limitations that will serve to reduce fire hazards or prevent the spread of fire to surrounding areas.
- b. The City may limit changes in the natural grade of land, or the alteration, removal or destruction of natural vegetation in order to prevent or minimize erosion, pollution or degradation of the natural attractiveness of the area.
- c. An application for a conditional use in a PR overlay zone shall be denied if, in the opinion of the City, the proposed use would exceed the carrying capacity of the area or would be detrimental to the natural features or resources of the area.

#### 5-4.3.050 Preliminary Plat Approval Process

- a. Review of Preliminary Plat. Review of a preliminary plat with two (2) or three (3) lots (partition), or a replat involving two (2) or three (3) lots, and not exceeding one (1) acre shall be processed using a Type II procedure, under Section 5-4.1.030. Preliminary plats involving four (4) or more lots (subdivision), replats involving four (4) or more lots, **partitions and property line adjustments within the Park Reserve Zone**, and partitions larger than one (1) acre shall be processed using a Type III procedure under Section 5-4.1.040. All preliminary plats shall be reviewed using approval criteria in Section 5-4.3.070. An application for subdivision may be reviewed concurrently with an application for a Master Planned Development under Chapter 5-4.5.