

RESOLUTION NO. 20-849-22

A RESOLUTION OF CITY OF JOHN DAY ON RECONSIDERATION OF CHALLENGED LAND USE REGULATIONS ADOPTED UNDER ORDINANCE NO. 20-180-06.

WHEREAS, City of John Day (“City”) approved certain amendments to the City’s land use regulations under Ordinance No. 20-180-06; and

WHEREAS, the proposed amendments to the City’s land use regulations were appealed to the Oregon Land Use Board of Appeals under LUBA No. 2020-057; and

WHEREAS, City filed a “Notice of Withdrawal for Reconsideration” with LUBA; and

WHEREAS, upon reconsideration, the John Day City Council voted to not adopt the challenged land use regulations.

NOW, THEREFORE, BE IT RESOLVED that City of John Day resolves as follows:

1. Findings. The above-stated findings contained in this Resolution No. 20-849-22 (this “Resolution”) are hereby adopted.
2. Decision on Reconsideration. Upon reconsideration, City will not adopt the challenged land use regulations and will repeal Ordinance No. 20-180-06.
3. Authorization. The Council authorizes, approves, and directs the city manager, and his or her designee, to take such actions as may be necessary or prudent to carry out the intent of this Resolution.
4. Miscellaneous. All pronouns contained in this Resolution and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word “or” is not exclusive. The words “include,” “includes,” and “including” are not limiting. The provisions of this Resolution are hereby declared severable. If any section, subsection, sentence, clause, and/or portion of this Resolution is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent permitted by applicable law, and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Resolution. This Resolution may be corrected by order of the Council to cure editorial and/or clerical errors.

[signatures on next page]

ADOPTED by the City Council of City of John Day and signed by the mayor this 10th day of November, 2020.

Ron Lundbom, Mayor

ATTEST:

Nicholas Green, City Manager