



CITY OF JOHN DAY

mayor
Ron Lundbom

city manager
Nicholas Green

accounts clerk
Chantal DesJardin

council
Shannon Adair
Gregg Haberly
Dave Holland
Heather Rookstool
Elliot Sky
Paul Smith

EXHIBIT A. STAFF REPORT AMD-21-03 FOR ORDINANCE NO. 21-193-04 AN ORDINANCE AMENDING THE JOHN DAY DEVELOPMENT CODE TO REDUCE THE NOTIFICATION PERIOD FOR TYPE IV LEGISLATIVE PROCEDURES FROM 45 TO 35 DAYS AND CLARIFYING PROVISIONS FOR COMPLIANCE WITH STATE LAW; AND AMENDING THE JOHN DAY COMPREHENSIVE PLAN TO REDUCE THE NOTIFICATION PERIOD FOR COMPREHENSIVE PLAN AMENDMENTS FROM 45 TO 35 DAYS (TYPE IV PROCEDURE)

Type of Action Requested

[]	Resolution	[X]	Ordinance
[]	Formal Action	[]	Report Only

DATE SUBMITTED: Tuesday, June 15th, 2021
AGENDA DATE REQUESTED: Tuesday, June 22nd, 2021

1. PROPOSAL SUMMARY

The Department of Land Conservation and Development (DLCD) requires local governments to submit written notification when proposing certain legislative changes including land use regulation changes, Comprehensive Plan amendments, and changes to the Urban Growth Boundary. These submittals are referred to as Post-Acknowledgement Plan Amendments or PAPAs as described in OAR 660-018-0020. At the time the City Development Code was written, this information had to be submitted to DLCD’s Salem office on provided forms 45 days in advance of the first hearing on the matter. The City of John Day Development Code and Comprehensive Plan contain provisions reflecting the 45-day requirement.

DLCD now prefers that notices be submitted electronically through their web-based program “PAPA Online” which allows for prompt review and eliminates the need for 45-day notice. These submissions can be amended by city staff as new information is added and records can easily be accessed electronically by the general public. As a result of these updates, this development code requirement has become burdensome and unnecessary. This code amendment will align the City requirement with state requirements by reducing the notification period from 45-days to 35-days. This amendment also removes the requirement for including a certificate of mailing to DLCD. In addition to these changes, the proposal also amends the mailing provision to only require notice to be mailed to property owners who will be directly affected by the change. This amendment aligns with state law and reduces the cost burden on the City to provide unnecessary notices to property owners who would not be affected.



CITY OF JOHN DAY

mayor
Ron Lundbom

city manager
Nicholas Green

accounts clerk
Chantal DesJardin

council
Shannon Adair
Gregg Haberly
Dave Holland
Heather Rookstool
Elliot Sky
Paul Smith

The proposed amendments also include additional changes intended to align our code with legal precedent and state law.

2. APPLICABLE CRITERIA

This request is a legislative amendment to the John Day Development Code. The approval criteria in section 5-4.050 apply.

3. CITY COUNCIL CONSIDERATIONS

The City Council’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 City Council should approve the request as recommended by the Planning Commission if it conforms to the approval criteria.

4. STAFF RECOMMENDATION

Staff recommends that the City Council **adopt Ordinance 21-193-04**, along with the findings in this report.

5. PUBLIC NOTIFICATION

The City of John Day mailed public notice of the first hearing on this matter to all affected property owners on April 21, 2021 and notice was posted in the Blue Mountain Eagle on April 28, 2021 as required by the Development Code. Interested parties who participated in previous hearings were notified of the final hearing three weeks and advance and notice of the final hearing was published in the Blue Mountain Eagle on June 2, 2020. Staff reports were made available for public inspection and sent to interested parties seven days prior to the hearing date. No relevant public comments were received.

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.

.....
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;***
- 2. Approval of the request is consistent with the Comprehensive Plan; and***



CITY OF JOHN DAY

mayor

Ron Lundbom

city manager

Nicholas Green

accounts clerk

Chantal DesJardin

council

Shannon Adair

Gregg Haberly

Dave Holland

Heather Rookstool

Elliot Sky

Paul Smith

Finding: The City of John Day Comprehensive Plan, in compliance with Oregon statute, mirrors the statewide planning goals and applies them in the context of the John Day community. We do not have reason to believe that this ordinance would meaningfully impact citizen involvement or any of the other Statewide Planning Goals. The purpose of this amendment is not to reduce the amount of time citizens have to participate in the legislative process, but rather to reduce barriers to development by decreasing the necessary time between application submission and the first planning commission hearing on the matter.

This amendment does not affect the timeframe for sending notice to potentially impacted property owners. In consensus with the state requirement, staff believes that 35-days is a sufficient time frame for interested citizens to provide input on legislative actions. This ordinance does not affect a particular area of land, so the third criterion does not apply to this decision.

7. CITY COUNCIL MOTION

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

“I move to approve AMD-21-04 based on the findings contained in the staff report [with conditions or amendments to Ordinance No. 21-193-04, as presented]”

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

Respectfully submitted this 15th day of June, 2021

Nicholas Green
City Manager / City Planning Official
City of John Day

Enclosures:

- Adopting Ordinance
- Proposed Development Code Amendments